



Appeal Decision

Site visit made on 5 November 2025

by **AJ Steen BA(Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 15 December 2025

Appeal Ref: APP/K2230/C/24/3348559

Land to south of Heron Hill Lane (also known as Betsy's Bungalow), Meopham, Gravesend, Kent DA13 0DT

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended) (the Act).
- The appeal is made by Mr F Webb against an enforcement notice issued by Gravesham Borough Council.
- The notice was issued on 19 June 2024.
- The breach of planning control as alleged in the notice is without the benefit of planning permission the carrying out of engineering operations, including the deposit of hard core materials, to create a site access and parking area, as well as operations involved with re-contouring and re-profiling the land levels on the Land and construction of retaining structures on the Land.
- The requirements of the notice are to:
 - (i) Remove all of the retaining structures from the Land
 - (ii) Remove all heras fencing from the Land
 - (iii) Remove all materials forming the hardstanding from the Land
 - (iv) Remove all resultant debris and associated materials generated from the compliance with the above steps from the land
 - (v) Return the land levels to the Land to those prior to the engineering operations being carried out
 - (vi) Prepare the Land, which was disturbed through the engineering operations and associated activity for planting so that there is a sufficient top soil for planting (a total soil depth of 200mm with a pH level of 7.8-8.5 should be provided)
 - (vii) Sow the Land with calcareous grassland seed mix in accordance with BPG Note 18.
- The periods for compliance with the requirements are:
 - (a) The requirements in paragraph 5 steps (i) to (vi) inclusive shall be completed within four calendar months from the date when the notice takes effect.
 - (b) The requirements in paragraph 5 step (vii) shall be completed within 28 days after the commencement of the next growing season (i.e. for any relevant year the period between 1 April and 30 September) subsequent to the date of compliance with the requirements in paragraph 5 steps (i) to (vi) inclusive.
- The appeal is proceeding on the grounds set out in section 174(2)(a) and (g) of the Town and Country Planning Act 1990 (as amended). Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.

Summary Decision: The appeal is dismissed and the enforcement notice is upheld with a variation in the terms set out below in the Formal Decision.

Preliminary Matters

1. The breach of planning control relates solely to building operations on the site. The enforcement notice is titled "OPERATIONAL DEVELOPMENT". I understand that these have been carried out in order to facilitate the change of use of the land for the stationing of caravans for residential occupation. That use has not commenced and is not referred to in the enforcement notice. For clarity, I am only able to consider the breach of planning control as set out in the notice through this appeal.

2. My attention has been drawn to a previous planning application refused in June 2024 relating to the change of use and operational development. No appeal was made to that decision. I will take this into account in coming to my decision.
3. The intended occupier of the site claims to meet the definition of Gypsies and Travellers as set out in the Glossary of the Planning Policy for Traveller Sites (PPTS). I note this is disputed by the Council due to lack of evidence and I will return to it, if necessary, in my reasoning.

The Appeal on Ground (a) and the Deemed Planning Application

Main issues

4. The main issues are:
 - Whether the development comprises inappropriate development in the Green Belt having regard to the National Planning Policy Framework and any relevant development plan policies;
 - The effect on the openness of the Green Belt;
 - The effect of the development on the intrinsic character and beauty of the landscape;
 - The effect of the development on ecology and biodiversity; and
 - Whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the proposal.

Reasons

Inappropriate development

5. The National Planning Policy Framework (the Framework) states that development within the Green Belt is inappropriate with a number of exceptions. This includes, at paragraph 154h)ii. engineering operations where they preserve openness and do not conflict with the purposes of including land within the Green Belt. Policy CS02 of the Gravesham Local Plan Core Strategy (CS) supports development compatible with national policies protecting the Green Belt.
6. The appeal site is located in an area comprising plots, many of which have been or are being developed with houses or for the stationing of caravans. The topography of the area, with the plots generally on steeply sloping land to either side of roads, means that many of them have been regraded or levelled with retaining walls and areas cut into the hillside to provide flat areas for the caravans or buildings to be stationed. This site comprises an access drive up the slope of the land on one side, laid with a stone, mainly chalk, surface. The other side has been raised and levelled with steep stone banks. Behind that the site is cut into the hillside, with woodland on the natural land levels beyond.
7. The development has resulted in significant changes to the landscape that have affected the visual openness. At this stage, with nothing located on the surfacing, the spatial effect is limited to the bank and level area to the front of the site above natural land levels. As a result, there are moderate visual but limited spatial impacts on the openness of the Green Belt.

8. Development of the form that has taken place results in encroachment into the Green Belt of built development. This conflicts with the purpose of the Green Belt relating to safeguarding the countryside from encroachment.
9. For these reasons, I conclude that, although an engineering operation, the effects on openness of the Green Belt and conflict with a purpose of the Green Belt means the development does not fall within the exceptions set out at paragraph 154 of the Framework. For that reason, it is inappropriate development within the Green Belt and conflicts with Policy CS02 of the CS and the Framework.

Character and beauty of the landscape

10. The appeal site is located close to the end of Heron Hill Lane as it runs at the bottom of a valley in an undulating landscape dominated by woodland. The surrounds comprise a mix of plots fronting the road, some with houses or caravans stationed on them, others open or wooded. The developed plots on this side of the lane tend to have been significantly landscaped to allow level areas for caravans or buildings to have been stationed or constructed.
11. The operational development that has taken place comprises the levelling of the site with the ground built up across much of the front and excavated into the ground to the rear. This has resulted in a prominent man-made and unnatural feature of rock and stone toward the front of the site. Over time, that is likely to soften in appearance with planting, especially if that were required by condition. Nevertheless, it is prominent and, particularly in the absence of any lawful use, incongruous in this location.
12. For these reasons, I conclude that the operational development has resulted in harm to the intrinsic character and beauty of the landscape. As such, it is contrary to Policies CS12 and CS19 of the CS that seek to conserve, restore and enhance the landscape character of the area.

Ecology and biodiversity

13. The site is located within the Happy Valley Wildlife Site, designated for its biodiversity value. A significant proportion of the site has been cleared of any vegetation and the land regraded to provide a flat area. This clearance removed habitat on the site. I understand it is also in close proximity to ancient woodland.
14. The resulting levelled and surfaced area does not provide biodiversity habitat. The proposed block layout would provide areas of landscaping, wildlife/grassed area and some hedgerow. Nevertheless, much of the site would remain covered in hardstanding. As a result, this would not restore or re-create habitat to the extent of what was previously on the site. There are no proposals to enhance, restore or re-create habitats elsewhere.
15. For these reasons, I conclude that the development harms ecology and biodiversity in the area. As such, it is contrary to Policy CS12 of the CS that protects sites designated for their biodiversity value and seeks to enhance, restore, re-create and maintain habitats. Where a negative impact on protected or priority habitats or species cannot be avoided, compensatory provision would be required.

Other considerations

16. The appellant suggests that planning permission could be granted on a temporary basis for the development to allow him to live on the land whilst he seeks planning permission for a permanent use of the land for this purpose. However, the breach of planning control described in the enforcement notice would not enable this use. As such, it would result in an additional breach of planning control. I consider that it would not be appropriate to grant temporary permission on that basis.
17. I note the personal circumstances of the appellant that he is homeless and this land could provide adequate accommodation for him. The neighbouring site is owned by his family and has recently been granted planning permission for a traveller site with three pitches. However, permission for this operational development would not enable that use.
18. Similarly, I note the shortage of Gypsy and Traveller accommodation within the borough to which this site may be able to contribute. However, as the enforcement notice does not relate to this use of land, even if I were to conclude he met the definition of a Gypsy and Traveller in the PPTS, it would not contribute to meeting that need.
19. Since the appeal was made the Framework has been updated. That includes reference to grey belt land. I do not need to consider whether the land is grey belt as, even if it were, paragraph 155 of the Framework would require a demonstrable unmet need for the type of development. The appeal solely relates to the operational development and no demonstrable unmet need has been presented for this. As a result, the development could not benefit from being grey belt.

Conclusion

20. Policy CS01 of the CS states that development that accords with the policies in the development plan will be approved without delay. I have concluded that the development conflicts with policies of the CS. As a result, I conclude that the development conflicts with the development plan as a whole. I have not found any material considerations that would outweigh that conflict.
21. The appeal on ground (a) therefore fails.

The Appeal on Ground (g)

22. An appeal on this ground is that the period specified in the notice for compliance falls short of what should reasonably be allowed. The appellant suggests that the period of compliance should be extended to two years in order to allow time for the appellant to submit another planning application for the operational development and enable the use of the site for stationing of a residentially occupied caravan.
23. My attention has been drawn to section 70C of the Act that allows local planning authorities to decline to determine retrospective planning applications relating to the whole or any part of the land to which an enforcement notice relates or in respect of the whole or any part of the matters specified in the enforcement notice. I accept that is the case, although this enforcement notice only relates to operational development rather than the use that the appellant indicates they would be seeking.

24. I consider that the appellant should be afforded the opportunity to submit a planning application for the residential use of the land. On that basis, a reasonable period for compliance ought to take that into account. In this case, a reasonable period would be 12 months.
25. For these reasons, I conclude that the appeal under ground (g) should succeed.

Formal Decision

26. It is directed that the enforcement notice is varied by the deletion of:

- (a) The requirements in paragraph 5 steps (i) to (vi) inclusive shall be completed within four calendar months from the date when the notice takes effect.*
- (b) The requirements in paragraph 5 step (vii) shall be completed within 28 days after the commencement of the next growing season (i.e. for any relevant year the period between 1 April and 30 September) subsequent to the date of compliance with the requirements in paragraph 5 steps (i) to (vi) inclusive.*

and the substitution of 12 months as the time for compliance.

27. Subject to the variation, the appeal is dismissed and the enforcement notice is upheld.

AJ Steen

INSPECTOR