



Appeal Decision

Hearing held and site visit made on 19 November 2025

by M Madge Dip TP MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 December 2025

Appeal Ref: APP/U2235/C/25/3367781

Land on the south side of Wagon Lane, Paddock Wood, Kent TN12 6PT

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by Mr Paul Roots against an enforcement notice issued by Maidstone Borough Council.
- The enforcement notice was issued on 15 May 2025.
- The breach of planning control as alleged in the notice is a breach of condition imposed on planning permission ref MA/10/0704, allowed at appeal, Ref: APP/U2235/A/11/2166671, dated 17 May 2012.
- The development to which the permission relates is: change of use of land to residential with the stationing of two static caravans and a touring caravan for a gypsy family with associated hardstanding, stable/utility block, cess pit and stables.
- The condition in question is no 2, which states that:
“When the land ceases to be occupied by those named in condition 1 above, or at the end of 3 years, whichever shall first occur, the use hereby permitted shall cease and all the caravans, buildings, structures, materials and equipment brought on to the land, or works undertaken to it in connection with the use shall be removed and the land restored to its condition before the development took place”.
- The notice alleges that the condition has not been complied with in that: all the caravans, buildings, structures, materials and equipment brought on to the Land, or works undertaken to it in connection with the use remains on the Land, and the Land has not been restored to its former condition.
- The requirements of the notice are:
 - a) Permanently cease the use of the Land for residential purposes within the red outline of the attached plan.
 - b) Permanently remove from the Land all caravans within the red outline of the attached plan, shown in the approximate position and coloured yellow on the attached plan. At the time of the issue of this Notice there was one caravan stationed within the red outlined area.
 - c) Demolish and permanently remove from the Land all utility buildings, stable buildings, sheds and structures within the red outline of the attached plan, all shown in the approximate position and coloured green on the attached plan.
 - d) Demolish and permanently remove from the Land outlined in red all hardsurfacing in the approximate positions shown coloured grey on the attached plan, and return the Land to its previous condition/levels by ripping the ground in two directions, re-spreading topsoil over that land to a depth of 150mm (or more where necessary) to fill in any depression and grading, and spreading topsoil over any depressions left to leave and [sic] level surface, allowing the regeneration of the natural grass sward.
 - e) Demolish and permanently remove from the Land outlined in red all the access infrastructure (brick pillars, walls and gates) and all the fencing in the approximate positions shown by a blue coloured line on the attached plan.
 - f) Permanently remove from the Land all associated paraphernalia including any subterranean features such as oil tanks, sewage treatment tanks and utilities from the Land as shown within red outlined plan attached.
 - g) Remove all resultant materials, rubbish, paraphernalia, and debris from the Land complying with steps (a) to (f) above.
- The period for compliance with the requirements is three (3) months from when the Notice takes effect.
- 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.

Decision

1. It is directed that the enforcement notice is corrected and varied by:
 - *the deletion of the words “change of use of land to residential with the stationing of two caravans and a touring caravan for a gypsy family with associated hardstanding, stable/utility block, cess pit and stables” and their substitution with the words “the material change of use of the land from agriculture to land in a mixed use as a caravan site for the stationing of caravans (including mobile homes) in residential occupation and land used for the keeping of horses” in section 3;*
 - *the deletion of the words “for residential purposes within the red outline of the attached plan” in section 5.a);*
 - *the deletion of the words “/levels by ripping the ground in two directions, re-spreading topsoil over that land to a depth of 150mm (or more where necessary) to fill in any depression and grading, and spreading topsoil over any depressions left to leave and level surface, allowing the regeneration of natural grass sward” in section 5.d);*
 - *the insertion of the words “close boarded” between the words “the” and “fencing” in section 5.e); and*
 - *the insertion of the words “as a result of” between the words “Land” and “complying” in section 5.g).*

Subject to the correction and variations, the appeal is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act (as amended) for the development already carried out, namely the material change of use of the land from agriculture to land in a mixed use as a caravan site for the stationing of caravans (including mobile homes) in residential occupation and land used for the keeping of horses at The Stables, Wagon Lane, Paddock Wood, Kent TN12 6PT as shown on the plan attached to the notice and subject to the conditions set out in the Schedule annexed to this decision.

Matters Concerning the Notice

2. It is incumbent upon me to put the notice in order. This notice relates to an alleged breach of condition 2 of planning permission reference MA/10/0704, allowed under appeal reference APP/U2235/A/11/2166671 dated 17 May 2012 (“the 2012 PP”).
3. The description of development granted by the 2012 PP was *“the material change of use of the land from agriculture to land in a mixed use as a caravan site for the stationing of caravans (including mobile homes) in residential occupation and land used for the keeping of horses”*. Section 3 of the notice misquotes what the 2012 PP was for, and I shall correct it accordingly.
4. There is a need to vary the steps required to be taken to reflect the corrected allegation and to ensure they do not go beyond what is reasonably necessary to remedy the breach. Several variations to the requirements were discussed and agreed at the Hearing as set out below.

5. There is no dispute that the mixed use is occurring and as such step a) need only require the use to cease and the superfluous words shall be deleted. Step e) is missing the words “*close boarded*” before the word “*fencing*” and step g) is missing the words “as a result of” before the word “complying”. It was agreed that the missing words shall be included.
6. The steps to be taken require the land to be restored to its condition before the breach took place. Step d) includes directions for how that should be achieved in the Council’s opinion. While the removal of the areas of hardstanding is necessary to fulfil this requirement, the other works detailed are not and could go beyond what is necessary to remedy the breach. It was therefore agreed that the words after “*previous condition*” shall be deleted.
7. The correction and variations set out above provide precision and clarity to the notice. The main appeal parties agreed with me that no injustice will occur because of them being made.

Preliminary Matter and Background

8. There is no dispute that the occupiers of the land, the appellant’s sister and her family, meet the definition set out in annex A of the Planning Policy for Traveller Sites (PPTS).
9. The 2012 PP was the subject of several conditions. These include a personal, temporary condition identifying the people who could occupy the land for a period of 3 years or until those people no longer occupied the land, whichever was the shorter.
10. The temporary period, at most, lasted until 12 May 2015. After that date, condition 2 required “*..the use hereby permitted shall cease and all caravans, buildings, structures, materials and equipment brought on to the land, or works undertaken to it in connection with the use shall be removed and the land restored to its condition before the development took place.*” There is no dispute that the persons specified in condition 1 of the 2012 PP ceased to occupy the land within the temporary period. The Council opine this occurred before 22 October 2014 and the appellant does not disagree.
11. After 22 October 2014 the land was occupied by Mr and Mrs Gaskin and Ms Vanessa Beaney and the Council issued an enforcement notice dated 3 July 2018. The requirements of that notice also required the use of the land to cease, the land to be cleared and returned to its previous condition. The Council confirmed that Mr and Mrs Gaskin and Ms Beaney moved off the land, taking their caravans with them. The land was not however cleared or returned to its previous condition.
12. The current residents responded to planning contravention notices issued by the Council in November 2021 and June 2023. There is no dispute that the current residents moved on to the land in approximately October 2021. There are currently two children under the age of 18 years living on the land.

The Ground (a) Appeal

13. An appeal on this ground is that planning permission should be granted for the corrected matter alleged, namely “*the material change of use of the land from agriculture to land in a mixed use as a caravan site for the stationing of caravans*”

(including mobile homes) in residential occupation and land used for the keeping of horses". The **main issues** are:

- The effect of the development on the character and appearance of the countryside; and
- Whether the development would be at risk from flooding.

Reasons

14. The main differences between this development and that considered by the previous Inspector are the number of caravans stationed on the land for residential use has reduced, thereby reducing the number of residents, and who is occupying the land. The Council's objections to the development remain the same as those considered in relation to the 2012 PP. Local planning policies applicable to the development have changed and nationally there has been a change to the application of the sequential test applicable to flood risk.
15. Policy LPRSS1 of the Maidstone Borough Local Plan Review 2021-2038 (adopted 2024) ("the LPR") sets out the Council's settlement hierarchy and its aspirations for delivering sustainable development. Their aspirations include meeting the needs of Gypsy, Traveller and Travelling Showpeople in full (with further details to be provided in a DPD), protecting the rural character of the borough, and avoiding coalescence between settlements.
16. The DPD referred to in policy LPRSS1 has not been progressed, although the Council published a Pitch Delivery Report in May 2025 ("the PDR"). This document identifies a baseline need figure of 228 pitches over the next 5 years, however the overall need for pitches increases to 286 when the deficit of delivery from the 2 previous years is applied. In terms of supply, the Council anticipates that 6 pitches will be derived from pitch turnover on 2 public sites, 9 pitches will be derived from site allocations within the LPR, and the Council anticipate that an average of 27 pitches will be delivered each year on windfall sites (135 pitches over 5 years). This equates to a supply of 150 pitches over the 5 year period. A 2.6 year supply to meet the total identified need (PPTS definition + undetermined need¹) is demonstrated and the appellant does not contest this figure.
17. The Council cannot therefore demonstrate a 5 year land supply of sites to meet the needs of travellers. Furthermore, the PDR acknowledges that most applications for new pitches are made to meet the applicant's immediate needs, are retrospective in nature and are 'complete' in supply terms once planning permission is granted. While planning permissions reduce the overall number of pitches required in the Borough, the Council excludes them from future supply calculations.
18. The recognised need for pitches now is considerably greater than at the time of the previous appeal. The provision of sites through turnover on existing sites and the development of the allocated sites would only make a nominal contribution to meeting that unmet need. I therefore consider there to be a significant, immediate unmet need for pitches, which will only be addressed through windfall delivery.

¹ 'Undetermined' households are those where traveller status of people living on sites could not be determined because the household were not available for interview at the time of the data collection. However, the Council confirm they are still living on sites and will still require culturally appropriate accommodation (paragraph 6.b of the Pitch Delivery Report 2024 – 25)

19. Policy LPRHOU8 provides the LPR's criteria against which proposals for traveller sites will be considered. The Council does not dispute that the development accords with criteria 1. a, b, d and f, which require the statutory definition of caravans to be met, local services to be accessible, vehicular access to be safe, and any adverse ecological impacts to have been adequately mitigated. This policy does not preclude traveller sites being in the countryside and, in accordance with policy C of the PPTS, the development does not dominate, either singularly or cumulatively, the nearest settled community.
20. Policy LPRSP9 provides the LPR's criteria against which development in the countryside will be assessed. Many of the criteria listed are not applicable to this type of development. Of those that are applicable, the development preserves the separation of individual settlements, does not affect the Kent Downs National Landscape or the metropolitan Green Belt.

Character and Appearance

21. Within the 'Maidstone Landscape Character Assessment', the land lies within the Beltring Grasslands character area. This is characterised by its flat, low lying landform, grasslands and pasture, tree belts, clusters of farmsteads along narrow, ditch lined roads. The land is accessed off a narrow ditch lined road, with a further ditch running along its eastern boundary. The land is flat, although there is a nominal slope down away from the road.
22. I agree with the previous Inspector that the keeping of horses is a land based use usually found in the countryside. It is also generally accepted that traveller sites will be in the countryside. The site layout is arranged so that caravans and the utility block relate well to the adjacent gypsy site at Wind in the Willows. Furthermore, the stable blocks are sited adjacent to hedgerows towards the rear of the site. The positioning, small size and use of suitable materials together ensure the stables blend with their surroundings.
23. The introduction of the residential use, domestic features and activity onto a previously open field with dilapidated stables, has inevitably changed the character and appearance of the land, which contributed to the rural, undeveloped nature of Wagon Lane. The adverse effect on local views of the unspoilt countryside is however restricted to a short stretch of Wagon Lane and the adjacent public right of way ("PROW"). The provision of a single pitch for one family limits the harm to local character and I agree with the previous Inspector, and the Council, that planning conditions could control the number of caravans, preclude business use and restrict the area occupied for residential use.
24. The previous Inspector identified that a less intrusive form of fencing should be provided along with boundary planting of appropriate species. The boundary planting adjacent to Wagon Lane has matured and now incorporates some native species, enhancing its appearance. The inappropriate fencing has been stained/painted on its inner side, making it visually less intrusive within the land. While the outer side of the inappropriate fencing has weathered, it remains intrusive when viewed from the PROW.
25. Existing landscape features screen the development from public view, and it is agreed that those features can be supplemented and enhanced through the provision of appropriate fencing and hedgerow planting to the eastern boundary, adjacent to the PROW. The development would not therefore result in significant

harm to the landscape and rural character of the area and is therefore in accordance with policies LPRHOU8 criterion 1(c), LPRSP9 criteria 2 and 7, and LPRSP15 criterion 6 of the LP.

26. While the Council suggested the light grey colour finish of the barn's metal sheeting was less than ideal, I saw at the site visit that this structure is not visible from outside the land. As such it has no significant effect on the character and appearance of the surrounding countryside.
27. For these reasons, the development does not cause significant harm to the character and appearance of the countryside as it complies with relevant criteria in policies LPRHOU8, LPRSP9 and LPRSP15 of the LP which seek to preserve as well as enhance the rural character of the countryside.

Flood Risk

28. There is nothing before me to suggest that the extent of the hardstanding on the land has changed since the previous appeal was determined. I therefore agree with the previous Inspector's finding that the primary causes of flooding will be fluvial.
29. National Planning practice guidance advises that the sequential test need not be applied where surface water is the cause of flood risk, providing the development can be made safe for its lifetime. While surface water flooding is a major contributor to risk on the appeal site, the Rivers Teise and Medway are also sources of risk. Both the sequential and exception tests need to be applied to this development.
30. The Framework confirms that caravans and mobile homes intended for permanent residential use are highly vulnerable to flood risk. National and local planning policies aim to avoid this form of development in areas at risk of flooding (land in Flood Zones 2 and 3). However, where development is necessary, the aim is to make it safe without increasing flood risk elsewhere.
31. The appeal is accompanied by a site specific flood risk agreement ("FRA"). The Environmental Agency ("the EA") accept that the land where the caravans are stationed is in Flood Zone 2, which has a medium probability of flooding. The FRA makes no reference to what other sites were considered as an alternative to the land accommodating the development. Instead, it claims the Council's insufficient supply of traveller pitches is justification for concluding there are no other suitable sites available at a lower risk of flooding. I however agree with the Council that a search for alternative sites should have been demonstrated.
32. At the Hearing, the appellant told of how he has been looking for suitable sites to develop a traveller site, for another family member, for some considerable time. He claims where they have found or shown interest in pieces of land, they are either competing with hundreds of people for it or as soon as their traveller heritage is identified the landowner will not sell to them. I do not doubt these difficulties. However, the appellant provides no specific details from which it is possible to identify what alternative land has been considered. Further, no information is provided as to what, if any, attempt to secure a pitch on the allocated sites has been made or reasons as to why they may not be available to the occupier. I therefore find that it has not been sufficiently demonstrated that there are no

reasonably available sites with a lower probability of flooding that would be appropriate for a traveller site. The sequential test is not therefore passed.

33. Even if the sequential test had been passed, the development has not changed significantly since the previous Inspector concluded that, on balance, the development did not provide wider sustainability benefits to the community that outweighed flood risk. The first part of the exception test is not therefore passed.
34. Topographical information provided with the appeal shows the part of the land where caravans are stationed for residential purposes is above estimated modelled flood levels including climate change. The EA confirm that *“the existing caravan and surrounding ground levels on the northern part of the site are sufficiently high enough to minimise the risk of flooding”*. This is however caveated that it is at risk of being surrounded by water under flood conditions.
35. While a ‘Flood Emergency Plan’ has been provided, this relies heavily on the EA’s Flood Warning service for the River Teise and River Medway and residents’ level of response to the different levels of warnings provided by the Met Office and the EA. The EA advise that the greatest risk of flooding for the land is however from local watercourses and the ditch network (surface water), which would not be the subject of advance flood warnings. Furthermore, while the EA agree the proposed evacuation route east along Wagon Lane and Queen Street, south towards Mile Oak is the best route for evacuation, it has been the subject of flooding in the past. It was however confirmed in the previous appeal that flooding arising from the local field drainage system would be unlikely to lead to rapid inundation of water across the land or surrounding road network. Thereby providing opportunity for residents to evacuate rather than being stranded.
36. The EA raise concern that the hardstanding, while lifting the development above any likely flood level, has reduced the storage capacity of the flood plain as their mapping relies on data that predates the hardstanding. The hardstanding only occupies a small area and any reduction in flood water storage capacity would be nominal and, in my judgement, it would therefore be unlikely to increase flood risk elsewhere to any significant degree.
37. I was told at the Hearing that there is a greater need for traveller sites in the southern parts of the Borough, where the land is located, and that this same area has a higher risk of flooding. I have also been directed to several appeal cases where planning permission has been granted despite sites being at risk of flooding. It is clear each of those cases turned on their own merits, having regard to the planning balance, which I will address later.
38. In summary, the direction of national and local policy is that a gypsy caravan site should not be permitted. I accept the potential risk to the safety of occupiers would be significantly reduced because of the dry nature of the land upon which the caravans are stationed at times of flood. Further, the Flood Evacuation Plan would address some aspects of managing risk. In particular, I do not doubt that resident occupiers would respond to flood warnings issued in respect of fluvial flooding. Where surface water flooding occurs, resident occupiers could wait out the dissipation of flood waters on their dry island or evacuate before the surrounding road network becomes impassible. I am therefore satisfied that the development could be made safe for its lifetime without increasing flood risk elsewhere.

Other Matters

Need

39. The high level of unmet need for traveller sites, the lack of alternative sites and the Council's current reliance on private provision to address need are matters that weigh in favour of the development. These factors have gotten worse since the 2012 PP was granted and are not likely to be addressed in the immediate future, which points towards a failure of policy. The appeal site makes a small but positive contribution towards meeting unmet need, although this benefit must be weighed against the shortcomings of its location.

Personal Circumstances

40. The land is occupied by Leia and Danny Starr, their sons Joseph (aged 18) and Sonny (aged 9), and their daughter Annie (aged 12). The two younger children attend school in Paddock Wood, and the family have lived on the land for over 4 years.
41. Before moving to the land, they were living with another family member on a pitch in Wisbech. Their presence there exceeded conditional constraints on that land, and they had to leave. The appeal land was vacant, and they moved here to prevent having to live on the roadside.
42. The site has enabled the provision of suitable accommodation from which the family is able to continue their traditional lifestyle and culture, and access education, health and welfare facilities. This outcome is consistent with policy LPRHOU8 of the LPR and a national policy aim. However, in the absence of any clear evidence to show that a search for other sites took place before moving onto the land, the weight to be attributed to personal circumstances shall be reduced.

Human Rights

43. The land is the occupiers' home, and there is no dispute that there are no alternative sites available to them. The lack of success in the appeal raises the probability of them becoming homeless and having to resort to unauthorised camping, more likely than not, on the roadside. Such an outcome would be a serious interference with the family's human rights under Article 8, notwithstanding the occupation of the land is without planning permission.
44. Article 8 rights are however qualified, requiring a balance of the individuals and the needs of the wider community in pursuing legitimate aims of protecting the environment and public safety. The action required must be proportionate and no greater than necessary to address the needs of the wider community. In my judgement, unauthorised camping would have a greater adverse impact on the environment and public safety than the continued occupation of the land.

Planning Balance

45. I attach significant weight to the Council's failure to provide a 5 year supply of deliverable sites, there being an immediate need for pitches and lack of available alternative sites to accommodate the occupiers. The site occupiers' personal circumstances also attract moderate weight.

46. The limited harm to character and appearance of the countryside can be overcome by landscaping which secures the replacement of the inappropriate fencing along the eastern boundary and supplementary planting. This matter therefore carries null weight in the planning balance.
47. I have found the development to be policy compliant in all respects barring flood risk. Policy directs that development should not be permitted in areas at risk of flooding. However, the caravans are stationed on part of the land at a lower risk of flooding, and I am satisfied that the development could be made safe for its lifetime. The lack of alternative available pitches for travellers demonstrates the development is necessary. I therefore attach moderate weight to flood risk.
48. No other consideration can be inherently more important than the best interests of the child, but the weight to be given to any consideration will depend on all the circumstances in the case. There can be no doubt the children occupying the land benefit from having a settled base, access to education, health care and welfare facilities. Whereas the disruption and uncertainty if they had to leave their home would be detrimental to their wellbeing, which also attracts moderate weight.
49. I have balanced the harm arising from flood risk against the other considerations referred to above. Having regard to the PPTS, I find that the immediate need for sites in conjunction with personal circumstances and best interests of the child clearly outweigh the moderate harm identified arising from flood risk.

Conditions

50. The personal circumstances of the occupiers of the land and the lack of available alternative sites justify a personal permission that needs to be reflected in the conditions. Control over the number of caravans, the size of vehicles parked, preclusion of commercial activities, and preventing the erection of any further buildings or structures on the land are necessary in the interests of general amenity and public safety.
51. A site development scheme ("SDS") condition would confirm and control measures in relation to site enhancement and climate change in the interests of visual amenity and public safety. Requiring the replacement of inappropriate fencing and new planting is reasonable because of the need to restore and enhance boundary treatments and biodiversity, a five year maintenance plan is also necessary to ensure longevity of the visual enhancements.
52. In the interests of protecting general amenity and the water environment the SDS will also require details of foul and surface water drainage, external lighting, and biodiversity enhancement measures to be included. A condition preventing the provision of any additional external lighting other than that approved in the SDS is also required in the interests of general amenity.

Conclusion on ground (a)

53. For the reasons given above I conclude that the appeal should succeed on ground (a) and planning permission shall be granted. The appeal on ground (g) does not therefore fall to be considered.

M Madge

INSPECTOR

SCHEDULE OF CONDITIONS

1. The use hereby permitted shall be carried on only by Leia Starr and Danny Starr, and their resident dependents.
2. When the land ceases to be occupied by those named in condition 1 above the use hereby permitted shall cease and all caravans, structures, materials and equipment brought on to or erected on the land, and/or works undertaken to it in connection with the use, shall be removed and the land shall be restored to its condition before the development took place.
3. 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 (of which not more than 1 shall be a static caravan/mobile home) shall be stationed on the land at any time.
4. No vehicle over 3.5 tonnes shall be stationed, parked or stored on the land.
5. No commercial activities shall take place on the land, including the storage of materials, vehicles or any livery use.
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 shall be erected, and no temporary 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, buildings, structures, equipment and materials brought onto the land for the purposes of such use shall be removed within 6 weeks of the date of 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 the following details:
 - a) means of enclosure and boundary treatment.
 - b) a plan showing the layout of the site, including annotation of the building uses.
 - c) the means of foul and surface water drainage of the site, along with details regarding the provision of potable water and waste disposal. These details shall include the size of the existing wastewater treatment system. Information provided shall also specify their exact location on the land and where they 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.
 - d) existing lighting on the boundary of and within the land. These details shall include, inter alia, measures to shield and direct light from the light source so as to prevent light pollution.
 - e) a scheme for landscaping for the entire land.

f) details of measures to enhance biodiversity at the site through integrated methods into the fabric of buildings by means such as swift boxes and bat tubes, and through the provision within the site of measures such as bird and bat boxes, bug hotels, log piles, wildflower planting and hedgehog corridors.

g) a timetable for implementation of the Scheme, including a) to f) with all approved details implemented in accordance with the approved timetable. Details approved under f) above, other than those measures attached to any building, shall be retained on the land in perpetuity.

ii) If within 11 months of the date of this decision 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. Upon implementation of the approved Scheme specified in this condition, that Scheme shall thereafter be maintained/retained/remain in use.

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. The landscaping required by condition 7.e) 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) Specifically, the retention and landscape reinforcement of the existing landscape features along the northern, eastern and western boundaries with native hedge and tree species.
 - c) A planting specification, implementation details and a five (5) year landscape management plan (only non-plastic guards to be used for new trees and hedgerows, and no Sycamore trees shall be planted).
9. All planting, seeding and turfing specified in the approved landscape details shall be completed by the end of the first planting season (October to February) following its approval. Any seeding or turfing which fails to establish or any existing or proposed trees or plants which, within five (5) years from planting 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 scheme.

10. No additional external lighting shall be installed unless full details of any such lighting has first been submitted to and approved in writing by the local planning authority. The approved details shall be in accordance with the Institute of Lighting Obtrusive Light Limitations for Exterior Lighting Installations for Environmental Zone E1. The development shall thereafter be carried out in accordance with the approved details and retained as such thereafter.

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APPEARANCES

FOR THE APPELLANT:

Simon McKay	Director, SJM Planning Limited
Joe O'Donnell	Director, Hodel Consulting Engineers
Paul Roots	Appellant

FOR THE LOCAL PLANNING AUTHORITY:

Peter De Villiers	Enforcement Officer, Maidstone Borough Council
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DOCUMENTS

HD1	Aerial image dated 2008 & Google Street View image dated January 2009
HD2	Aerial image dated 3 July 2011
HD3	Undated Google Earth aerial image showing the site and wider landscape
HD4	Flood Zone map showing site in the wider context
HD5	Beltring Grasslands extract (pages 358 – 361)
HD6	Landscape Character Area 39 from Maidstone LCA Supplement 2012