



Appeal Decisions

Hearing held on 13 January 2026

Site visit made on 14 January 2026

by AJ Steen BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 February 2026

Appeal A Ref: APP/G2245/C/25/3372375

Former Brasted Station Coal Yard, Station Road, Brasted, Kent TN16 1NT

- 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 James O'Brien against an enforcement notice issued by Sevenoaks District Council.
- The notice was issued on 8 August 2025.
- The breach of planning control as alleged in the notice is without planning permission:
 - a) The material change of use of land from:
 - i. use of land for storage, renovation and repair of up to 3 vintage commercial vehicles and the ancillary storage of spare parts for the same vehicles, such use having been undertaken as a hobby, with the renovation and repair elements of the use normally occurring on one evening per week and two weekends a month
 - ii. to a Gypsy/Traveller site including 2 mobile homes, 1 touring caravan, portable utility room and child climbing frame.
 - b) The laying of a hard standing as an engineering operation.
- The requirements of the notice are to:
 - 1. Cease the use of the land for use as a Gypsy/Traveller site.
 - 2. Remove all mobile homes, caravans and portable buildings from the land.
 - 3. Remove all paraphernalia associated with the use including but not limited to, vehicles, trailers, play equipment, stored metal mesh fencing panels, wooden pallets, cones, and gas canisters from the land.
 - 4. Remove the hard standing marked blue on the Location map.
- The period for compliance with the requirements is: 6 months.
- The appeal is proceeding on the grounds set out in section 174(2)(b), (f) and (g) of the Town and Country Planning Act 1990 (as amended).

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

Appeal B Ref: APP/G2245/W/25/3370955

Old Trafford Coal Yard, Station Road, Brasted, Kent TN16 1NT

- 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 James O'Brien against the decision of Sevenoaks District Council.
- The application Ref is 24/03244/FUL.
- The development proposed is the change of use of land to Gypsy/Traveller site comprising 2 pitches including the siting of 1 mobile home, 1 touring caravan and 1 small utility room per pitch.

Summary Decision: The appeal is allowed and planning permission is granted subject to conditions.

Preliminary and Procedural Matters

1. Section 180 of the Act states that where, after service of an enforcement notice, planning permission is granted for any development carried out before the grant of that permission, the notice shall cease to have effect so far as inconsistent with

that permission. This would be relevant if I were to uphold the enforcement notice under appeal A and allow appeal B, thereby granting planning permission.

Appeal A

2. The provisions of section 176(1) of the Act give Inspectors wide ranging powers to correct or vary enforcement notices in order to get them “in order”, provided that such alterations would not result in injustice to any party.
3. During the hearing it was drawn to my attention that a telecommunications mast is located within the site identified on the plan attached to the enforcement notice. That mast is not referred to in the notice. Following the hearing, the Council provided the site plans referred to in planning decisions relating to the mast. These plans identify the mast and a confined area around it as the site for the mast. I consider it is necessary to use my powers under section 176(1) of the Act to replace the plan attached to the notice with the mast excluded from the site area. This alteration would not result in injustice to any party.
4. The appellant indicated there may be a hidden appeal on ground (d) relating to the extent of the hardstanding on the site. This is also subject of grounds (b), (c) and (f) of appeal A. The appeals under grounds (b), (c) and (d) would relate to whether the pre-existing hard standing was greater than indicated on the plan attached to the enforcement notice. This relates to whether the development took place, which is subject to the appeal on ground (b), and whether the requirements of the notice are necessary to remedy any breach of planning control, subject of ground (f). On that basis, I will not consider grounds (c) or (d) further.

Appeal B

5. A number of site layout plans have been provided. During the hearing it was clear that the appropriate plan is the iteration of drawing number J005072-ISP-01 contained at Appendix 5 of the appellant’s Statement of Case submitted with appeal A. That shows two acoustic barriers, with one close to the M25 motorway and a second approximately 8m from the site boundary with the motorway and adjacent to the proposed new location for the mobile homes. I will return to the specifications of the acoustic barrier, but I understand it is intended to provide a single acoustic barrier in the second position close to the mobile homes. It is that location of the acoustic barrier that I will take into account in coming to my decision. If I were to allow the appeal, I would provide a condition requiring an updated plan to confirm this layout.
6. In coming to my decision, I have a duty to seek to further the purpose of conserving and enhancing the natural beauty of the Kent Downs National Landscape as required by section 85 of the Countryside and Rights of Way Act 2000 (as amended).
7. A draft National Planning Policy Framework was published during the course of the appeal. The Council and appellant had the opportunity to comment on its contents during the hearing. It is subject of consultation and may change before being published but does demonstrate a likely direction of travel for national planning policy. Nevertheless, given the stage of preparation, it carries limited weight in the appeal process.

8. My attention has been drawn to the consultation on a new Local Plan under Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012 during the course of the appeal. This was also subject of discussion at the hearing. Given its stage of preparation and that any proposals are subject of change following that consultation and through subsequent changes through the preparation process, policies and proposals of this draft Local Plan carry limited weight in the appeal process.

Appeal B

Main Issues

9. The site is located within the Green Belt and the Kent Downs National Landscape. The parties have agreed that the development would not be inappropriate development within the Green Belt. Consequently, the main issues are:
- the effect of the development on the landscape and scenic beauty of the Kent Downs National Landscape;
 - whether occupiers enjoy satisfactory living conditions, having particular regard to noise and disturbance;
 - the effect of the relationship of the development to the M25 motorway on the safe and efficient operation of the highway network in the vicinity of the appeal site; and
 - whether there are material considerations that would outweigh any conflict with development plan policies, such as the need for the development and personal circumstances of the occupiers of the site.

Reasons

Kent Downs National Landscape

10. The Framework requires that great weight should be given to conserving and enhancing the landscape and scenic beauty in National Landscapes, with the scale and extent of development in the area to be limited. The Kent Downs comprises a hilly chalk landscape of ridges, dip slopes and dry valleys, unimproved chalk grassland, scrub communities and broadleaved woodlands. The former Brasted Station Coal Yard site is located in the wide Darent Valley that comprises a mix of fields and woodland with the steep scarp slope of the downs beyond the M25 motorway to the north. It is close to the village of Brasted to the south, with wooded hills rising up beyond the village.
11. The appeal site is set within an area of woodland that limits views into the site from Station Road and other vantage points other than directly to the north and south of the site, and from the top of the escarpment to the north. From that escarpment, this site is limited in size and seen in the context of other sporadic development, including the village of Brasted and neighbouring Station House.
12. The pitches are located between Station House and a telecommunications mast. Woodland dominates the site, along with the mast that extends above the tree canopy. This is the setting for views from the escarpment to the north from which the existing caravans are not readily visible and dominated by the moving traffic on the motorway. In views from the south, such as from the public footpath extending

from the church and in views from houses on Coles Lane, the existing caravans are visible but with large vehicles moving behind, along the motorway. Whilst the caravans are static and permanent rather than the fleeting visibility of the lorries, the busyness of the motorway dominates the site in views from the south.

13. At one time the yard contained Brasted Station that was demolished prior to construction of the motorway and it was subsequently used for commercial vehicle repairs, referred to in the enforcement notice subject of appeal A as the previous lawful use of the land. Given that the land could be used for that purpose and the commercial vehicles could be quite substantial in size, that would have a similar effect on the landscape as the caravan site use.
14. The proposal would move the caravans away from the motorway and provide a tall, 4.5m high, acoustic fence directly beside them. Whilst the length of the fence would be reasonably limited, its height would be substantial. Taking account the limited existing planting to the north and south of the hardstanding, it would dominate the site. Nevertheless, given the site is lower than the level of the motorway, it is unlikely to be materially higher than the larger vehicles travelling along the motorway in views from the public footpath referred to above and houses on Coles Lane. Further tree planting is proposed around the site that would mature to screen the development to some extent over time. So, whilst it would be a permanent and static feature in the landscape, subject to details of its appearance and additional landscaping, it would not cause significant harm to the landscape.
15. For these reasons, I conclude that the change of use of land to a Gypsy and Traveller site including an acoustic fence would cause modest harm to the landscape and scenic beauty of the Kent Downs National Landscape. This would conflict with Policies EN1 and EN5 of the ADMP and the Framework that seek high quality design that conserves and enhances the character of the landscape.

Living conditions of occupiers

16. The former Brasted Station Coal Yard is located adjacent to the M25 where there is a very significant level of noise from vehicles using the motorway. As a result, residential occupiers of the site suffer significant levels of noise and disturbance in this location.
17. The appellant proposes to mitigate the effects of that noise through the installation of an acoustic fence and provision of caravans with significant levels of sound insulation. Provided the fence would have a density of 20kg/m² and with a height of 4.5m, would be located in the position described above, and the residentially occupied caravans comply with BS3632:2015, it was accepted by the Council that this would lead to satisfactory living conditions within the caravans.
18. The plans and other documents indicate that the appellant would favour an acoustic fence with a height of 3.5m. However, the evidence submitted indicates that, at that height, it would not be sufficient to provide adequate living conditions within the caravan. On that basis, I will proceed on the assumption that the acoustic fence needs to be 4.5m in height.
19. The caravans have outside amenity space surrounding them. This is subject of a high level of noise and disturbance from traffic on the motorway. The proposed acoustic fence would be parallel to the motorway with returns at each end to restrict noise that might travel around the fence parallel to the motorway.

20. The parties agree that the noise levels in the external amenity space would be above the normally accepted upper guideline value for noise of 55dB $L_{Aeq,T}$. However, my attention has been drawn to British Standard BS8233:2014 that recognises these guideline values are not achievable in all circumstances. It suggests that in higher noise areas, such as city centres or urban areas adjoining the strategic transport network, a compromise may be reached between elevated noise levels and other factors. In these cases, development should be designed to achieve the lowest practicable levels in these external amenity spaces but not prohibited.
21. Whilst the site is not located in a city centre or urban area, it does adjoin the strategic road network. As a result, it would not meet the example given in BS8233:2014. Nevertheless, there may be other factors that could lead to a compromise such that the development in this location may be acceptable. I will return to those later in my decision.
22. I understand that the guideline values for noise may be in the process of being reduced. This reflects concerns around adverse health effects arising from exposure to excessive noise. However, it is unclear how far these would drop such that this carries limited weight in my considerations.
23. For these reasons, I conclude that the noise levels within the external amenity areas would be above the upper guideline value for noise in the external space such that the living conditions of occupiers of the caravans when using that space would be poor. As such, the development would conflict with Policies EN2 and EN7 of the Sevenoaks Allocations and Development Management Plan (ADMP) and the National Planning Policy Framework (the Framework) that seek to ensure adequate living conditions for occupiers of development in relation to noise.
24. In addition, the development would conflict with Policy SP 6 of the Core Strategy that allows development for Gypsies and Travellers subject to a number of criteria, including that the site would offer an acceptable living environment for future occupiers in terms of noise.

Safe and efficient operation of the highway network

25. The access drive to the former Brasted Station Coal Yard is shared with an emergency access and exit to the M25 motorway, with the site directly adjacent to that motorway. The motorway is set at a higher level than the site. National Highways have objected to the development, requesting further information.
26. The information requested appears to largely relate to the risk of surface water flooding of the motorway and pollutants flowing from the site. However, the site's location lower than the road and its proposed use indicates this is unlikely.
27. The motorway emergency access and exit is located a short distance before the gates into the site on the access drive. Vehicles waiting to access the site would need to stop but this would be beyond that emergency access and exit. Taking account of the space between the motorway access and gates into the site, it is unlikely that they would need to stop such that they would affect emergency access to the motorway.
28. For these reasons, I conclude that relationship of the development to the M25 motorway would not affect the safe and efficient operation of the highway network

in the vicinity of the appeal site. As a result, it would not conflict with Policy EN1 of the ADMP and the Framework that seeks satisfactory means of access for vehicles and pedestrians.

29. It would also comply with the criteria of Policy SP 6 of the Core Strategy that seeks to ensure safe and convenient vehicular and pedestrian access to the site.

Other material considerations

30. The appellant and his family meet the definition of Gypsies and Travellers set out in the planning policy for traveller sites. The Council accept that they do not provide sufficient sites to meet the needs of Gypsies and Travellers in the area.
31. I note that Policy SP 6 of the Core Strategy required the identification of sites in the Allocations and Development Management DPD. I understand that not taken place and, on that basis, the policy has failed to provide for the needs of Gypsies and Travellers.
32. The Gypsy and Traveller and Travelling Showperson Accommodation Assessment October 2025 (GTAA) was supplied at the hearing. That shows a need for 192 additional Gypsy and Traveller pitches across the district in the period 2025/26-2042/43, with 115 pitches required in the first five years. A range of potential pitches have been identified such that the residual need would be between 41-43 pitches. I understand that there are a range of supply options and further work is required by the Council.
33. The Council are in the process of preparing a Local Plan, with the Regulation 18 consultation ending on 11 December 2025. They intend to meet the residual need through the Local Plan process, with 23 potential sites for allocation. This will be developed through the process of preparing the Local Plan through the Regulation 19 process. This includes targeted work with the community and potentially reassessing site identification. However, that will not fully meet the need, requiring further sites to come forward. Given the need for further work, it is unclear whether those needs will be met in full. In any event, there is an existing need that is not currently being met.
34. Whilst I accept that the Council are being pro-active in seeking to meet the need, this site would contribute to meeting the need for Gypsy and Traveller sites immediately. Whilst a contribution of two pitches is modest, this can carry considerable weight in the planning process.
35. The site provides accommodation for a family, including 4 children, within the two pitches. The best needs of the child are a primary consideration in determining this appeal and no other consideration is inherently more important. The children are attending local schools and the family have particular health needs.
36. I understand that the family do not have access to alternative living accommodation. As a result, if they were to leave this site it is likely that they would need to live by the roadside. This is a material consideration that carries significant weight in the planning process.
37. The appellant suggests that a personal or temporary permission could be considered, taking account of the personal circumstances of the appellant and potential to enhance the state of the site. I will take these into account in coming to my decision.

38. Reference has been made to the development being intentional unauthorised development. I understand that the appellant and his family occupied the site prior to submitting the planning application subject of this appeal. A Written Ministerial Statement of 2015 set out that intentional unauthorised development is a material consideration to be weighed in determining planning applications and appeals. The draft Framework suggests that this should be given substantial weight in considering whether to grant planning permission.

Planning balance

39. I have concluded that the use of the former Brasted Station Coal Yard as a Gypsy/Traveller site comprising 2 pitches conflicts with Policy SP 6 of the Core Strategy and Policies EN1, EN2, EN5 and EN7 of the ADMP. As a result, I conclude that the development conflicts with the development plan as a whole. These conflicts are derived from the poor living conditions provided by the outside amenity space and effect of the acoustic fence on the Kent Downs National Landscape. In addition, I consider the unauthorised development that has taken place to have been intentional.
40. Although noise within the outside amenity space result in poor living conditions even taking account of the proposed acoustic fence, British Standard BS8233:2014 recognises the guideline values are not achievable in all circumstances. In higher noise areas it suggests a compromise may be reached between elevated noise levels and other factors. The harm to the landscape and scenic beauty of the National Landscape would be modest.
41. In this case, I have found that considerable weight can be given to the need for Gypsy and Traveller pitches. This would be sufficient to outweigh the conflict with the development plan and other matters, taking account of BS8233:2014 and the modest harm to the National Landscape. In these circumstances, the need for pitches is such that limiting the development to a temporary period or to occupation solely by the appellant and his family would not be necessary.

Conditions

42. A condition is necessary to limit occupancy to persons meeting the definition of Gypsies and Travellers as defined by the planning policy for traveller sites to safeguard the site for Gypsy and Traveller use in accordance with Policy SP 6 of the Core Strategy and reflect the identified need for the development. Conditions to limit the number of caravan pitches and caravans on the site and to restrict commercial activity are necessary in order to protect the landscape and scenic beauty of the Kent Downs National Landscape. Conditions requiring static caravans to comply with BS3632:2015 and for touring caravans to not be used for overnight accommodation are necessary to protect the living conditions of occupants, particularly in relation to the effect of noise from the motorway.
43. Conditions 6 and 7 are imposed to ensure that details of the site layout, external finishes of the day rooms, noise mitigation, contaminated land investigation and risk assessment, and hard and soft landscaping are submitted, approved and implemented so as to make the development acceptable in planning terms. There is a strict timetable for compliance because permission is being granted retrospectively, and so it is not possible to use a negatively worded condition to secure the approval and implementation of the site layout, external finishes of the day rooms, noise mitigation and contaminated land investigation and risk

assessment, and hard and soft landscaping before the development takes place. These are imposed in two conditions as it is likely to take longer for the contaminated land investigation and risk assessment to be completed and other matters, particularly the noise mitigation and landscaping, are important to be completed in the shorter term to protect the living conditions of occupiers and the landscape and scenic beauty of the Kent Downs National Landscape.

44. A condition relating to external lighting is necessary in order to protect ecology, biodiversity and the landscape and scenic beauty of the Kent Downs National Landscape.
45. A condition restricting parking of vehicles over 3.5 tonnes is not necessary in this case taking account of the previous use of the site for repair of commercial vehicles. I have not included a condition removing permitted development rights for fences as I do not consider it to be necessary taking account of the requirement in condition 6 to provide a scheme to include hard and soft landscaping and for its management.
46. For the reasons given above, I consider that conditions limiting the occupation of the site for a temporary period or personal to the appellant and his family would not meet the test of necessity.

Conclusion

47. For these reasons, I conclude that material considerations outweigh the conflict with the development plan. As such, I will allow the appeal.

Appeal A

The Appeal on Ground (b)

48. An appeal on this ground is that the matters described in the notice have not occurred. The burden of proof for this ground is on the appellant, with the relevant test of the evidence being on the balance of probability.
49. The appellant suggests that the laying of a hard standing has not occurred in that they extended the existing hard standing on the site but not to the extent set out in blue on the enforcement notice plan. The Council accept that is the case. However, the breach of planning control only refers to the laying of a hard standing and does not refer to the area over which it was laid. I accept that is set out in the requirements of the notice but that is better considered under ground (f).
50. For these reasons, I conclude that the appeal under ground (b) should fail.

The Appeal on Ground (f)

51. An appeal on this ground is that the steps required by the notice to be taken, or the activities required by the notice to cease, exceed what is necessary to remedy any breach of planning control which may be constituted by those matters or, as the case may be, to remedy any injury to amenity which has been caused by any such breach. In this case, the requirements seek the use of the land to cease and the removal of mobile homes, caravans and other paraphernalia be removed along with the removal of the hard standing marked blue on the plan, in order to restore the land to its condition before the breach took place. Clearly, therefore, the purpose of the notice requirements is to remedy the breach of planning control.

52. For ground (f) to succeed it is necessary to show that the requirements are excessive to remedy the breach. A notice directed at a material change of use may require the removal of works that facilitate that use. In this case, the appellant indicates that the area of hard standing in place on the site prior to the development taking place included some of the area indicated with blue shading on the plan attached to the enforcement notice. On that basis, they suggest that the requirements are excessive, and a smaller area of hard standing should be required to be removed.
53. I have not been provided with an alternative plan showing the area of hard standing that existed prior to the works to the land that took place to facilitate the use. At the hearing I suggested that the last requirement of the notice be replaced with "Remove hard standing to restore the land to its condition before the development took place". The parties indicated this lacked precision. However, in the circumstances and in the absence of an alternative suggestion I consider it is sufficient. The appellant, as the developer, would know what the previous condition of the land was.
54. For these reasons, I conclude that the appeal under ground (f) should succeed and I will replace the final requirement of the notice as I suggested.

The Appeal on Ground (g)

55. 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 indicates that a period of 12 months would be reasonable.
56. If the appellant and his family were required to move from this site they would need to find alternative accommodation. As set out in appeal A, if insufficient time were available to find that accommodation it is likely they would need to live on the roadside, with the effects that would have on health and the education of the children. As a result, sufficient time needs to be provided to find that alternative accommodation, if necessary. On that basis, I consider a period of 12 months is necessary to allow compliance with the requirements of the enforcement notice.
57. For these reasons, I conclude that the appeal under ground (g) should succeed and the period of compliance should be extended to 12 months.

Formal Decisions

Appeal A

58. It is directed that the enforcement notice is corrected and varied by:
- The deletion of the words "Remove the hard standing marked blue on the Location map" and substitution of the words "Remove hard standing to restore the land to its condition before the development took place";
 - The deletion of 6 months and the substitution of 12 months as the period for compliance; and
 - The substitution of the plan annexed to this decision for the plan attached to the enforcement notice.
59. Subject to the correction and variations, the appeal is dismissed and the enforcement notice is upheld.

Appeal B

60. The appeal is allowed and planning permission is granted for the change of use of land to Gypsy/Traveller site comprising 2 pitches including the siting of 1 mobile home, 1 touring caravan and 1 small utility room per pitch at Old Trafford Coal Yard, Brasted, Kent TN16 1NT in accordance with the terms of the application, Ref 24/03244/FUL, and the plans submitted with it, subject to the conditions in the schedule in the annex at the end of this decision.

AJ Steen

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Alan Masters, Counsel instructed by WS Planning & Architecture

Brian Woods WS Planning & Architecture

Robert Petrow Landscape

David Fernleigh Noise

David McMurtary Highways

James O'Brien Appellant

Helen O'Brien

FOR THE LOCAL PLANNING AUTHORITY:

Ashley Bidwell Principal Planning Officer, Sevenoaks District Council

Emma Coffin Planning Policy Officer, Sevenoaks District Council

Colin Alden Environmental Health Officer, Sevenoaks District Council

INTERESTED PARTIES:

Tim Jupp Local resident

Sandra Robinson Councillor, Sevenoaks District Council

DOCUMENTS SUBMITTED AT THE HEARING:

Document 1: Appeal decision reference APP/C3105/W/18/3219199

- Document 2: Photographs supplied by Tim Jupp
- Document 3: Draft Sevenoaks District Local Plan Chapters 01 Development Strategy and 02 Housing Choice For All
- Document 4: Gypsy and Traveller and Travelling Showperson Accommodation Assessment 2025
- Document 5: Letters relating to personal circumstances of the occupiers of the site
- Document 6: Extract from BS 8233:2014
- Document 7: Photographs provided by the appellant

ANNEXES

APPEAL B SCHEDULE OF 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 persons with a cultural tradition of nomadism or of living in a caravan, but excluding members of an organised group of travelling showpeople or circus people travelling together as such, in accordance with Planning Policy for Traveller Sites or replacement planning policy or guidance.
- 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 1 caravan shall be a static caravan.
- 3) Any static caravan shall comply with BS3632:2015 in relation to sound insulation and ventilation requirements.
- 4) Any touring caravan shall not be used for overnight accommodation.
- 5) No commercial activity shall take place on the land, including the storage or burning of materials, other than parking of commercial vehicles for use by the occupiers.
- 6) The use and other operations hereby permitted shall cease and be removed and all equipment and materials brought onto the land for the purposes of such use and materials resulting from the demolition shall be removed 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 scheme for site layout, external finishes of the day rooms as shown on plan no. J005072-DD-06, noise mitigation (including location of acoustic fence, its height, density and appearance) and hard and soft landscaping shall have been submitted for the written approval of the local planning authority and the scheme shall include a management plan and timetable for its implementation.
 - 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 in accordance with the management plan.

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.

- 7) The use and other operations hereby permitted shall cease and be removed and all equipment and materials brought onto the land for the purposes of such use and materials resulting from the demolition shall be removed within 28 days of the date of failure to meet any one of the requirements set out in i) to iv) below:

- i) Within 6 months of the date of this decision a scheme for a contaminated land investigation and risk assessment shall have been submitted for the written approval of the local planning authority and the scheme shall include a management plan and timetable for its implementation.
- ii) If within 12 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 in accordance with the management plan.

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) No external lighting shall be installed on the site or affixed to any buildings/mobile homes on the site unless the local planning authority has first approved in writing details of the position, height, design, measures to control light spillage and intensity of illumination. Only the approved details shall be installed.



Plan

This is the plan referred to in my decision dated: 20 February 2026

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

**Land at: Former Brasted Station Coal Yard, Station Road, Brasted, Kent
TN16 1NT**

Reference: APP/G2245/C/25/3372375

Not to scale

