



Appeal Decision

Site visit made on 6 May 2026

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

an Inspector appointed by the Secretary of State

Decision date: 10 June 2026

Appeal Ref: APP/U2235/C/24/3347386

Land at The Meadows, Lenham Road, Headcorn TN27 9LG

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by Mr Bernard Gallagher against an enforcement notice issued by Maidstone Borough Council.
- The notice was issued on 29 May 2024.
- The breach of planning control as alleged in the notice is without planning permission, the material change of use of the Land for a residential use including the stationing of caravans and associated paraphernalia and operational works including the laying of hard standing, plainings/shingle and subterranean features.
- The requirements of the notice are to:
 - a) Permanently cease the use of the land for residential purposes within the red line of the attached plan.
 - b) Permanently remove from the land all caravans within the red line of the attached plan.
 - c) Permanently remove from the land all associated paraphernalia including hard standing, plainings/shingle and any subterranean features such as oil tanks, sewage treatment tanks and utilities from the Land as shown within the red outlined plan attached.
 - d) Permanently remove the hardcore sub-base and to return 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, allowing the regeneration of the natural grass sward and hedgerow regeneration.
 - e) Remove all resultant materials, rubbish, paraphernalia, and debris from complying with steps (a) to (d) above, from the land.
- The periods for compliance with the requirements are: 3 months for steps a) to d) and further 1 month for e).
- 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 allowed, the enforcement notice is quashed, and planning permission is granted in the terms set out below in the Formal Decision.

Preliminary Matters

During the course of the appeal, decisions¹ were issued relating to a number of appeals on sites accessed from the shared drive from which the appeal site is accessed. These appeals related to pitches for residential occupation by Gypsies or Travellers and were allowed. I note that appeals² relating to other pitches in the vicinity have been allowed or dismissed. I have taken these into account in coming to my decision.

¹ Appeal references: APP/U2235/W/25/3373621, APP/U2235/W/25/3373622, APP/U2235/W/25/3373623, APP/U2235/W/25/3373625, APP/U2235/W/25/3373626 & APP/U2235/W/25/3373627

² Including appeal references: APP/U2235/C/18/3210851, APP/U2235/C/18/3210854 and APP/U2235/C/18/3210879

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

Main issues

1. The effect of the residential use including the stationing of caravans and associated paraphernalia and operational works including the laying of hard standing, plainings/shingle and subterranean features on the intrinsic character and beauty of the landscape.
2. If there were any conflict with the development plan, whether material considerations such as the need for Gypsy and Traveller accommodation and/or the personal circumstances of the occupiers would indicate a decision other than in accordance with the development plan.

Reasons

Landscape character

3. The appeal site is located within the Low Weald Landscape of Local Value. The Council's Landscape Character Assessment includes this area within the Headcorn Pasturelands Landscape Character Area. This area comprises a relatively flat landscape of fields enclosed by hedges with stands of trees, ponds, streams and buildings of character. There are farmsteads disbursed around the area, including the equine facility to the rear of the site that includes substantial buildings.
4. The site is accessed from a drive to the north of Lenham Road with plots containing mobile homes and/or touring caravans to either side along the section closest to Lenham Road and a gap to further plots. These include the six pitches authorised by the previous appeals referred to in footnote 1 above. To the rear of plots on one side of the access road is a farm yard, with a large building forming the backdrop to some plots in views over the fields to the rear of plots on the other side of the access track from a public footpath. That decision suggested that the development resulted in a formal and overtly urban quality. That contrasted with and detracted from the verdant character and natural beauty the area.
5. This pitch is at the end of the first set of plots, with that large building to the rear. It contributes to that urbanisation of this part of the countryside. It extends the development along the access drive but the location on the side of the access track backing onto the large building and having that as the backdrop has the effect of limiting the effect of that urbanisation on views through the surrounding landscape.
6. For these reasons, I conclude that this pitch harms the intrinsic character and beauty of the landscape. However, that harm would not be significant. As a result, it conflicts with Policies LPRSS1, LPRSP9, LPRSP14, LPRSP14(A) and LPRSP15 of the Local Plan Review and Policies HNP1, HNP2 and HNP5 of the Headcorn Neighbourhood Plan that seek to conserve and enhance the distinctive character of the Low Weald Landscape of Local Value. Nevertheless, the level of harm means that it does not conflict with Policy LPRHOU8 of the LP relating to Gypsy, Traveller and Travelling Showpeople accommodation insofar as it states development should not result in significant harm to the landscape and rural character of the area taking account of the cumulative impact arising from the development in combination with existing lawful caravans.

Other material considerations

7. Policy LPRHOU8 of the LP provides criteria against which Gypsy, Traveller and Travelling Showpeople accommodation should be assessed. I have concluded above that the proposal would not conflict with the criteria relating to landscape and rural character.
8. Other criteria of Policy LPRHOU8 of the LP include that local services, particularly school, health and shopping facilities, should be accessible preferably on foot, by cycle or on public transport. I note that the Council do not provide this as a reason for issuing the notice. The site is located a short distance from the settlement of Headcorn. Services and facilities within the settlement are unlikely to be accessed on foot or by cycle and I have limited information on public transport availability. However, it is not uncommon for Gypsy and Traveller accommodation to be located away from settlements. This location is not so distant to suggest that it is not accessible and it is located with other residentially occupied pitches. I conclude that the development would comply with that criteria of the policy. My attention has not been drawn to conflict with any other part of the policy.
9. The planning policy for traveller sites seeks to ensure fair and equal treatment for travellers in a way that facilitates the traditional and nomadic way of life of travellers while respecting the interests of the settled community and aims to reduce tensions between the settled and traveller communities. It states that sites in rural areas must respect the scale of, and not dominate, the nearest settled community. This pitch would add to the number of pitches at The Meadows and there are other pitches in close proximity. There are a number of houses near the site with the village of Headcorn is a short distance away. I have not been presented with substantive evidence that the addition of this single pitch at The Meadows would materially affect the number of sites to an extent that would lead to domination of or conflict with the nearest settled community.
10. My attention has been drawn to the development having occurred without planning permission. I note the history of the area where a number of similar unauthorised developments have taken place. A Policy Statement issued by the Secretary of State on 31 August 2015 relating to intentional unauthorised development makes that a material consideration to be weighed in determining appeals.
11. During the course of this appeal, the Council accepted that they had a 1.2 year supply of Gypsy and Traveller pitches against a requirement in the planning policy for traveller sites to identify 5 years' worth of sites against locally set targets. The appeal decisions referred to at footnote 1 above indicate the supply has increased to 3.8 years based on a 2025 Pitch Delivery Report. The Gypsy, Traveller and Travelling Showpeople Accommodation Assessment Update Letter of July 2024 shows a need for Gypsy and Traveller households against the 2023 definition of Gypsies and Travellers of 207 households.
12. The planning policy for traveller sites states that in circumstances where a local planning authority cannot demonstrate an up-to-date 5 year supply of deliverable sites, the provisions in paragraph 11(d) of the National Planning Policy Framework (the Framework) apply. On that basis, if I were to find conflict with the development plan, that would mean planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

13. The development comprises a single pitch that provides a limited contribution to the supply of Gypsy and Traveller accommodation. The previous appeal decision referred to above has resulted in an increase in supply of 6 pitches. In the context of the need identified by the Council, this is modest. As a result, the contribution of this site would assist in meeting identified needs. Taking account of the above, I have not found adverse impacts in this case that would be sufficient to significantly and demonstrably outweigh the benefits.

Planning Balance

14. I have concluded that there would be harm to the intrinsic character and beauty of the countryside, but that the harm is not significant. On that basis, I have concluded that the development would comply with Policy LPRHOU8 of the LP. I accept that it would conflict with other policies of the development plan and that it appears to comprise intentional unauthorised development. However, taking account of the level and nature of the harm and the need for Gypsy and Traveller accommodation, I consider that would be outweighed by compliance with Policy LPRHOU8 of the LP in this instance. As such, the development would comply with the development plan as a whole. No material considerations would be of sufficient weight to indicate a decision other than in accordance with the development plan.

Conditions

15. I shall impose conditions for the following reasons and in accordance with the tests set out in the Framework. I have adapted the conditions suggested by the Council where necessary.
16. A condition is necessary to restrict occupancy to ensure the site meets the long-term needs of the Gypsy and Traveller community (1). However, I have not included a condition relating to personal occupation to reflect my conclusion that the development would meet the needs of that community. A condition is necessary for the restoration of the site if the use ceases to protect the intrinsic character and beauty of the countryside (2).
17. Conditions restricting the number of caravans (3), ensuring that no vehicle over 3.5 tonnes is stationed, parked or stored on the site (4) and restricting commercial activities (5) are also necessary to protect the intrinsic character and beauty of the countryside.
18. Condition 6 is imposed is to ensure that a Site Development Scheme (the scheme) is submitted, approved and implemented so as to make the development acceptable in planning terms, particularly in relation to drainage, the intrinsic character and beauty of the countryside and to encourage ecology and biodiversity. The scheme relates to the following matters:
 - a) the means of potable water provision;
 - b) the means of foul and surface water drainage of the site;
 - c) external lighting on the boundary of and within the site;
 - d) the internal layout of the site, including the siting of caravans, hardstanding, access roads, parking, fencing and amenity areas; and
 - e) tree, hedge and shrub planting.
19. 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 scheme before the development takes place.

20. The condition will ensure that the development can be enforced against if the scheme is 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. Where conditions are required to protect the intrinsic character and beauty of the countryside, they would ensure the development complies with LPRQD4 of the LP that seeks any impacts on the appearance and character of the landscape to be appropriately mitigated.
22. A condition restricting rights to erect temporary buildings or structures is not reasonable or necessary as it is unclear what such erections would be possible, including under the Town and Country Planning (General Permitted Development) (England) Order 2015 and taking account of Planning Practice Guidance at Paragraph: 017 Reference ID: 21a-017-20190723.
23. A condition requiring landscaping to be in accordance with the Council's landscape character guidance does not meet the test of necessity, although the appellant may find the guidance within the Council's suggested conditions helpful in preparing an acceptable scheme as required by condition 6. A condition requiring landscaping being completed by the end of the first planting season following approval is not necessary as that would be covered within the timetable for implementation required by condition 6.

Conclusion

24. For the reasons set out above, I conclude that on balance the development accords with the development plan. The appeal on ground (a) therefore succeeds.
25. As I have concluded that the appeal shall succeed and planning permission will be granted for the development described in the notice, the appeal on ground (g) does not therefore fall to be considered.

Formal Decision

26. 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 for a residential use including the stationing of caravans and associated paraphernalia and operational works including the laying of hard standing, plainings/shingle and subterranean features on Land at The Meadows, Lenham Road, Headcorn TN27 9LG as shown on the plan attached to the notice and subject to the attached Schedule of Conditions.

AJ Steen

INSPECTOR

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) If the lawful use of the site ceases, all caravans, structures, equipment and materials brought onto the land for the purposes hereby permitted including hardstandings and buildings shall be removed within two months from the date of the use ceasing.
- 3) No more than 2 caravan(s), 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 1 shall be a static caravan) shall be stationed on the site at any time.
- 4) No vehicle over 3.5 tonnes shall be stationed, parked or stored on the site.
- 5) No commercial activities shall take place on the land, including the storage of materials.
- 6) The use hereby permitted shall cease and all 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 3 months of the date of this decision a Site Development Scheme, hereafter referred to as 'scheme', shall have been submitted for the written approval of the local planning authority and the scheme shall include a timetable for its implementation. The scheme shall be for:
 - a. the means of potable water provision;
 - b. the means of foul and surface water drainage of the site;
 - c. external lighting on the boundary of and within the site;
 - d. the internal layout of the site, including the siting of caravans, hardstanding, access roads, parking, fencing and amenity areas; and
 - e. tree, hedge and shrub planting.
 - 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 be 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 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.