



Appeal Decision

Hearing held on 3 June 2026

Site visit made on 3 June 2026

by AJ Steen BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th July 2026

Appeal Ref: APP/U2235/C/26/3377356

Stephens Bridge Field, Water Lane, Headcorn, Ashford, Kent TN27 9JP

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by Mr James Wood against an enforcement notice issued by Maidstone Borough Council.
- The notice was issued on 9 December 2025.
- The breach of planning control as alleged in the notice is without planning permission, the material change of use of the Land to a mixed residential use and keeping of horses, comprising the stationing of mobile homes and touring caravans, together with associated operational development, including the laying of hard surfacing, substantial raising of land levels, extensive excavation works and the formation of an access.
- The requirements of the notice are to:
 - 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 the caravans within the red outline of the attached plan. At the time of the issue of this Notice there were two static caravans and two touring caravans 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.
 - d) Permanently remove all hard surfacing and materials used to raise the land levels from the Land within the red outlined plan and return the Land to its condition/levels before the development took place by spreading topsoil over any depressions left, creating a level surface, and allowing the regeneration of the natural grass sward.
 - e) Permanently remove from the Land outlined in red all the access infrastructure and return the Land to its condition before the development took place.
 - 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 the red outlined plan attached.
 - g) Remove all resultant materials, rubbish, paraphernalia, and debris from the Land complying with steps (a) to (d) above.
- The periods for compliance with the requirements a) to f): 6 months, requirement g): 1 further month.
- 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 in the terms set out below in the Formal Decision.

Preliminary Matters

1. My attention has been drawn to the Gypsy, Traveller and Travelling Showpeople Development Plan Document (DPD) that has been under preparation. Following the hearing I was provided with an update suggesting that document may not proceed to consultation as anticipated under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012. I will return to this later in my decision.

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

Main issues

2. The main issues are:

- The effect of the development on flood risk;
- Whether the development would preserve the Grade II listed building known as Stephens Bridge or its setting or any features of special architectural and historic interest (or significance) which it possesses;
- The effect of the development on the River Beult Site of Special Scientific Interest (SSSI);
- The effect of the development on the intrinsic character and beauty of the landscape and adjacent rural lane; and
- Whether there are any material considerations that would indicate a decision other than in accordance with the development plan, such as the need for the development and the personal circumstances of the occupiers (including whether they are Gypsies or Travellers).

Reasons

Flood risk

3. The appeal site is within Flood Zone 3 where there is a high probability of flooding. Mobile homes intended for permanent accommodation are defined as highly vulnerable. The National Planning Policy Framework (the Framework) states that inappropriate development in areas at risk of flooding should be avoided. Highly vulnerable development should not take place within Flood Zone 3.
4. In an attempt to make the location of the caravans safe from flooding, an area of the site has been built up, such that it would fall within Flood Zone 2. Another area has been excavated, seeking to provide additional flood storage to compensate for that loss of flood capacity. However, as explained by representatives of the Environment Agency (EA), these works disturb water flow. The land raising results in obstructing the flow such that the water would pool upstream of the site. It would remove flood storage capacity from the flood plain and the excavation would not provide effective mitigation as it is likely to be full of rainwater. Given the location of the site a short distance downstream of the village of Headcorn, this would result in an increased risk of flooding within the village.
5. The appellant has submitted flood evacuation and design measures that seek to keep occupants safe in the event of a flood and mitigate the effect of flooding. These include relying on flood alerts from the EA. I accept that these measures might provide some mitigation but only insofar as the land raising and other mitigation measures are likely to mean the area on which the caravans are located is safe from flooding. The access routes along Water Lane would be liable to flood to a depth that would make exit difficult in many flood events, not just a 1 in 100 year event. In addition, evidence presented suggesting that these are increasing in frequency.

6. I note reference in the evidence to issues relating to foul drainage from the site. It was suggested that a scheme could be prepared for this and that could be required by condition. I accept that is likely to be the case and, on that basis, this does not add to this reason for refusal.
7. Given the lack of safe exit from the site and effect of the works on flood risk, increasing risk elsewhere and particularly the populated area of Headcorn, I conclude that the risk of flooding would mean the use of this site for Gypsy or Traveller accommodation would be inappropriate. As such, the proposal would be contrary to Policies LPRS14(A), LPRS14(C), LPRQD4, LPRHOU8 of the LP, HNP (Headcorn Parish Neighbourhood Plan) Policy 2 and the Framework that require consideration of the need to respond and adapt to climate change and require that Gypsy and Traveller accommodation should not be located in an area at risk of flooding, defined as zones 3a and 3b.

Stephens Bridge

8. Stephens Bridge is listed Grade II and comprises a medieval style ragstone bridge in an isolated rural location surrounded by woodland and agricultural fields. It is a cambered bridge with two plain chamfered segmental arches and plain parapet including seat or partial infilling with brick coping. It is named after Archbishop Stephen Langton who built the original bridge on the site in the 12th or 13th century. Its significance is derived from the history of a bridge in this location and modest historic appearance to which the isolated rural location contributes.
9. The bridge is over the River Beult that runs through woodland at this point, with the field comprising this appeal site a short distance from the bridge. Historically, it has made an important contribution to the rural agricultural setting of the bridge. The field remains open at the end closest to the bridge, with the raised area where the caravans are located at the other end of the field. This provides some separation between the main part of the development and the bridge. Nevertheless, the additional development of caravans and associated paraphernalia does affect the setting of the bridge. Taking account that the new access is at the opposite end of the field from the bridge, this does not affect its setting.
10. I note reference to the setting of the bridge not being considered in relation to the site on the opposite side of the road. That is further from the bridge and less visible from the road. As a result, that site's relationship with the bridge, and any contribution to its setting, differs from the appeal site.
11. For these reasons, I conclude that the stationing of mobile homes and touring caravans, together with associated operational development, including the laying of hard surfacing and raising of land levels has harmed the setting of Stephens Bridge. As a result, this has caused less than substantial harm to the bridge as a heritage asset, albeit the effect is low on the scale of such harm.
12. The Framework advises at Paragraph 212 that, when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Accordingly, while less than the 'substantial harm' referred to in Paragraph 214 of the Framework, the harm to the listed building is nevertheless a matter of considerable importance and weight.

13. Paragraph 215 of the Framework establishes that, where a development leads to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. The public benefits in this instance relate to provision of a residential use within caravans that contributes to the supply of accommodation for Gypsies and Travellers, for which there is an identified need, and the personal circumstances of the appellants. These are set out in more detail later in my decision. Nevertheless, in this instance I consider that the public benefits do not outweigh the harm to the heritage asset.
14. In conclusion, the material change of use of the Land to a mixed residential use and keeping of horses, comprising the stationing of mobile homes and touring caravans, together with associated operational development, including the laying of hard surfacing, substantial raising of land levels, extensive excavation works and the formation of an access would harm the setting of Stephens Bridge that is listed Grade II. Consequently, it would harm the significance of Stephens Bridge as a heritage asset. When weighed against the public benefits of the proposal I conclude that the harm to the setting of the listed building is not outweighed by those benefits.
15. For these reasons, I conclude that the development conflicts with Policy LPRSP15 of the LP, HNP Policies 1 and 2 and the Framework that seek high quality design, including responding positively to, and where possible enhance, the historic character of the area. I note that Policy LPRHOU8 of the LP does not mention heritage matters, such that the development does not conflict with this policy in this regard.

River Beult Site of Special Scientific Interest

16. The designated SSSI comprises the river and the wooded area on its banks. It is designated as a rare and sensitive lowland clay river ecosystem that supports a diverse range of habitats, plant species and wildlife. These include two nationally scarce invertebrate species, the water beetle and hairy dragonfly. The river banks provide important nesting sites for the kingfisher and there is cover and breeding habitat for the reed warbler and reed bunting.
17. The caravans and residential uses of the land are to the opposite end of the site, separated by the paddock. That separation means that there would not be direct impacts on the SSSI from works on the site or residential occupation. It also means disturbance of the SSSI would be unlikely. I note that the Council have taken a precautionary approach to this matter. A condition requiring a site development scheme, means of enclosure and boundary treatment, landscaping and details of measures to enhance biodiversity was discussed at the hearing that would mitigate the development to ensure it would not affect the integrity of the SSSI.
18. For these reasons, I conclude that the development would not adversely affect River Beult SSSI. As such, it would not conflict with Policies LPRS14(A) and LPRSP15 of the LP and HNP Policy 2 that seek to protect designated sites or its interests and avoid damage to and inappropriate development considered likely to have significant direct or indirect adverse effects on designated sites of importance for biodiversity.
19. Nevertheless, Policy LPRHOU8 of the LP requires that the ecological impact of the development has been assessed and a scheme for necessary mitigation and

enhancement measures confirmed. As mitigation and enhancement measures have not been confirmed at this stage, the development conflicts with that policy.

Landscape and rural lane

20. Stephens Bridge Field is located within the open countryside close to the village of Headcorn in the Low Weald Landscape of Local Value. This area comprises a flat rural landscape of fields enclosed by hedgerows with woodland and the River Beult running through it. This field is located next to the narrow rural lane, Water Lane, between the bridges over the railway and river (Stephens Bridge). To the opposite side of the road is another caravan site, although that is enclosed by mature hedges, separated from the road by a wide verge with drainage channel and with access from a track leading from the road and into the fields beyond.
21. The site is a modest field or paddock surrounded by hedges. There are views into the field from the road as it leads down from the railway bridge, through the hedge, and through the current gated entrance and a previous entrance adjacent to Stephens Bridge.
22. The mobile homes, touring caravans, parking, stable, sheds and related paraphernalia are located inside the entrance on an area that has been raised above natural land levels. These are visible and prominent in views through the hedge along the road and from the road as it runs down the slope from the railway bridge. Given this relationship to the road, the development results in a change to the character of this part of the landscape. Whilst a modest change in the landscape as a whole, it does affect the character of the adjacent rural lane.
23. Part of the remaining field has been excavated. As this remains open, it does not materially affect the character of the landscape or rural lane.
24. I have referred to the other caravan site on the opposite side of the lane. However, that is not readily visible from public vantage points given the hedge and verge on the frontage. Nevertheless, caravans on both sides of the lane would result in a change to the character of the lane. Additional soft landscaping may reduce the effect of the development on the landscape to some extent but would not overcome the effect on the landscape and rural lane.
25. For these reasons, I conclude that the caravan site harms the intrinsic character and beauty of the landscape and adjacent rural lane. As such, it is contrary to Policies LPRSS1, PLRSP9, LPRS14(A), LPRS15 and LPRQD4 of the LP, HNP Policies 2 and 5 and the Framework that seek high quality design and provide protection to local character, including conserving and enhancing the Low Weald as a landscape of local value.
26. Policy LPRHOU8 of the LP relates specifically to Gypsy, Traveller and Travelling Showpeople accommodation. It requires that development should not lead to significant harm to the landscape and rural character of the area. I consider that the harm I have found is not significant, such that the development does not conflict with that policy.

Other material considerations

27. The Council have queried whether the occupants of Stephens Bridge Field are Gypsies or Travellers. The site is occupied by two families, including six children, who say they are Romany Gypsies. They have previously lived in touring caravans

moving between sites and have family living in the Paddock Wood area. They do a lot of work locally in tree surgery and landscaping but also travel away with cousins.

28. The older, school age, children are enrolled in a local school with a younger child having applied for nursery locally. They are registered with a GP locally, although my attention has not been drawn to any specific health needs. There is some support between the occupants of the site, particularly in terms of childcare.
29. If the occupiers of this site were forced to move away then, I understand, they would need to return to living in their touring caravans on the road side or stopping with family, doubling up on pitches.
30. On the balance of probability and for the purposes of this appeal, I conclude that the occupants of the site fall within the definition of Gypsies and Travellers as set out in the Glossary to the planning policy for traveller sites.
31. My attention has been drawn to a series of appeal decisions relating to Gypsy and Traveller sites at or around Annies Garden, Plot 2 The Meadows, Lenham Road, Headcorn, Kent TN27 9LG, lead decision reference APP/U2235/W/25/3373621. The Inspector concluded that the Council could only demonstrate a 3.8 year supply of deliverable pitches as set out in its 2025 Pitch Delivery Report. The parties have accepted that is the appropriate level of supply for me to consider in this appeal. The submitted Gypsy and Traveller Accommodation Assessment indicates a need for sites over the period 2023-2040, including those meeting the above definition and those undetermined, of 529 pitches. This is a significant number.
32. Policy LPRSS1 of the LP states that accommodation needs of Gypsies and Travellers will be met in full, with further details due to be set out in the Gypsy, Traveller and Travelling Showpeople Development Plan Document (DPD). As set out above, it is unclear when this DPD may come forward such that limited weight can be attached to it.
33. In the absence of the DPD, provision of additional sites for Gypsy and Traveller accommodation is through pitches coming through the planning process as windfall sites. This affects the ability of this community to plan for their accommodation or find suitable sites. On this basis, the Council are failing to provide for the needs of this sector of the population through the development plan and this needs to be taken into account in this appeal.

Planning balance

34. I have concluded that the development conflicts with Policy LPRHOU8 of the LP given the effect of the development on flood risk and on the SSSI. I have also concluded that the development conflicts with Policies LPRS14(A), LPRS14(C), LPRS15, LPRQD4, LPRSP15, LPRSS1 and PLRSP9 of the LP and HNP Policies 1, 2 and 5. Whilst compliance with other parts of Policy LPRHOU8 of the LP would outweigh some of the conflicts with other policies, I conclude that the development would conflict with the development plan as a whole.
35. The planning policy for traveller sites states that, where a local planning authority cannot demonstrate an up-to-date 5 year supply of deliverable sites, the provisions of paragraph 11(d) of the Framework apply. I have concluded that the supply in

this instance is 3.8 years. In these circumstances, paragraph 11(d) of the Framework sets out that development plan policies most important for determining the application, including Policy LPRHOU8 of the LP, should be considered out-of-date. As a result, planning permission should be granted unless the application of policies in the Framework that protect areas or assets of particular importance provide a strong reason for refusing the development proposed.

36. Footnote 7 of the Framework specifies the areas or assets of particular importance that might provide a strong reason for refusing the development proposed. Of that list, I consider that the reference to areas at risk of flooding is the only strong reason for refusing the development. Although I have found conflict with Framework policies in relation to the setting of a designated heritage asset, this does not comprise a strong reason for refusing the development. However, this is sufficient to conclude that the development should not benefit from the presumption in favour of sustainable development.
37. I am aware that it would be possible to limit occupation of the site to individual occupiers and/or for a specified period of time, such as 3 or 5 years, by condition. However, the lack of safe exit mean occupants would not be safe from flooding and the increase in flood risk elsewhere would remain. In addition, it is unclear when alternative provision would be made through the development plan process, such as through the DPD referred to above, for additional Gypsy and Traveller accommodation that might meet the occupiers' needs. It may not come forward within the period that would be provided by this permission. As a result, limiting occupation in these ways would not be appropriate in this instance.

Conclusion

38. For the reasons set out above, I conclude that the material change of use of the Land to a mixed residential use and keeping of horses, comprising the stationing of mobile homes and touring caravans, together with associated operational development, including the laying of hard surfacing, substantial raising of land levels, extensive excavation works and the formation of an access does not accord with the development plan. I have not found any material considerations, including the planning policy for traveller sites and the Framework, to indicate I should determine the appeal other than in accordance with the development plan.
39. The appeal on ground (a) therefore fails.

The Appeal on Ground (g)

40. 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 a period of 1 year is required in order for the occupiers to comply with the enforcement notice.
41. I have set out above that the Council are unable to find an appropriate supply of sites to meet the needs for Gypsy and Traveller accommodation in the area. If the appellants were required to move away from the site within the period specified in the notice, it is unclear where they would be able to live or provide a base for work. That may force them to live on the road side or double up on other pitches. Moving within the period specified on the notice may affect access to health services and, more particularly, education provision that could destabilise the families. It is

reasonable to assume that alternative accommodation would not be found within the 6 months allowed by the notice.

42. However, I need to weigh those concerns with the risk to the occupants and other development from flooding, in particular the safe exit from the site and increased risk of flooding elsewhere. I consider that risk is considerable. Should a significant flood event occur, this could result in substantial harm to the occupants of this site and/or other property.
43. In this case, I consider the risks arising from potential flooding is not outweighed by the problems related to finding alternative accommodation. This means that occupation of the site needs to cease in the period specified within the notice.
44. For these reasons, I conclude that the appeal under ground (g) should fail.

Formal Decision

45. The appeal is dismissed, the enforcement notice is upheld and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

AJ Steen

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Simon McKay MA MRTPI SJM Planning

James Wood Appellant

FOR THE LOCAL PLANNING AUTHORITY:

Pieter De Villiers MRTPI Maidstone Borough Council

Peter Waring MSc C.Geol Environment Agency

Abbie Philpott Environment Agency

DOCUMENTS SUBMITTED AT THE HEARING/INQUIRY:

Document 1: Maidstone Borough Council comments on immunity period

Document 2: Maidstone Borough Council comments on HNP

Document 3: SSSI information