



Appeal Decision

Site visit made on 15 September 2026

by **Elizabeth Pleasant BSc (Hons), DipTP, MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 8 October 2026

Appeal Ref: APP/T2215/C/26/3378742

Land adjacent to Homefield, Green Street Green Road, Longfield, Kent DA2 8EB

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by Mr Alfred Harber against an enforcement notice issued by Dartford Borough Council.
- The notice was issued on 21 May 2026.
- The breach of planning control as alleged in the notice is: Without planning permission, the material change of use of the land to the stationing of caravans/mobile homes for residential occupation; and operations consisting of the laying of hard standing and the erection of fencing on the land.
- The requirements of the notice are to:
 1. Cease the stationing of caravans/mobile homes for residential occupation;
 2. Remove all caravans from the land
 3. Remove all hardstanding from the land
 4. Remove all close boarded fencing from the land
 5. Restore the Land to its condition prior to the breach taking place.
- The period for compliance with the requirements is 2 months.
- The appeal is proceeding on the grounds set out in section 174(2) (a) & (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 of Decision: The appeal is allowed, the enforcement notice is quashed, and planning permission is granted in the terms set out in the Formal Decision.

Preliminary Matters

1. Since the appeal was made and a Hearing scheduled, the local planning authority resolved when considering the ground (a) appeal, that planning permission should be granted subject to suggested conditions to control the use of the land and restrict/mitigate the development on it. Consequently, I determined that the appeal could proceed by written representations and allowed additional time for interested parties to make further representations should they wish to do so. I have taken those representations into account in determining the appeal.
2. Since the appeal was made and statements of case submitted, a new version of the National Planning Policy Framework, August 2026 has been published (the NPPF). The parties have had an opportunity to make comments on the document, and I have had regard to those submissions in my decision.

Appeal on ground (a)

Main Issues

3. The main issues in this case are:
 - whether the development amounts to inappropriate development within the Green Belt;

- if so, the effect of the development on the openness and purposes of the Green Belt;
- the effect of the development on the character and appearance of the area;
- the effect of the development on the health of a protected walnut tree;
- the effect of the development on groundwater and any resultant groundwater contamination; and
- if the development does amount to inappropriate development within the Green Belt, whether the harm by way of inappropriateness, and any other harm, is clearly outweighed by other material considerations such that very special circumstances exist to justify a grant of planning permission.

Another matter is intentionally unauthorised development and the weight to be attached to it.

4. Other considerations potentially weighing in favour of the development, include the availability (or lack) of alternative provisions for the site occupiers and their personal circumstances.
5. Integral to my decision-making will be exercising duties under the Human Rights Act 1998. Article 8, a Convention Right¹, affords a person the right for their private and family life, their home and their correspondence. It is a qualified right that requires a balance between the rights of the individual and the needs of the wider community. In applying Article 8 there is a positive obligation to facilitate the Gypsy way of life to the extent that the vulnerable position of Gypsies as a minority group mean that some special considerations should be given to their needs and their different lifestyles in the regulatory planning framework and in reaching decisions on particular cases. Under the Equality Act, I will have regard to the public sector equality duty (PSED).

Reasons

Whether the development amounts to inappropriate development in the Green Belt

6. The appeal site is within the Green Belt. Policy M12 of the Dartford Local Plan to 2037 (LP) states that inappropriate development in the Green Belt will be resisted in accordance with national planning policy.
7. The NPPF defines “Grey Belt” as land in the Green Belt comprising previously developed land and/or other land that, in either case, does not strongly contribute to any of purposes (a), (b) or (d) in Policy GB2.
8. The local planning authority (LPA) consider that the Land is “Grey Belt”. Green Belt purpose (a) of Policy GB2 is to check the unrestricted sprawl of large built-up areas and having regard to the location of the appeal site, away from the edge of Dartford or any other large built-up area, the Land does not contribute strongly to that purpose. Purpose (b) in Policy GB2 is to prevent neighbouring towns merging into one another. The appeal site lies on the edge of the village of Longfield and within a large swath of Metropolitan Green Belt which separates Dartford from neighbouring towns in Kent. Having regard to the location of the site and its

¹ Article 8 of the European Convention on Human Rights, enshrined into UK law by the Human Rights Act 1998.

distance from Dartford and neighbouring towns, the site does not contribute strongly to the purpose of preventing neighbouring towns from merging into one another. Purpose (c) in Policy GB2 is to preserve the setting and special character of historic towns. The site is not close to any historic towns and it does not therefore contribute strongly to that purpose. Thus, having regard to the NPPF definition², and from the evidence before me, I conclude that the Land is Grey Belt.

9. Policy GB7 of the NPPF sets out categories of development which are not inappropriate in the Green Belt. Category (g) includes development where all the following apply:
 - i. *The development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the plan area;*
 - ii. *There is an evidenced and unmet need for the type of development proposed;*
 - iii. *The development would be in a sustainable location, with particular reference to policy TR3 of this Framework; and*
 - iv. *In the case of major development involving the provision of housing, the development proposed complies with policy GB8.*
10. The development is not a major development and the LPA accept that they cannot demonstrate a five-year supply of deliverable Gypsy and traveller sites in the District and I agree that there is an evidenced and unmet need for pitches. There is thus no contravention of criteria (ii) or (iv) in Policy GB7(g). The site lies within walking distance to a variety of shops and services in Longfield with good pavements and lighting along the route. The site also has good public transport links. It is within walking distance of Longfield Train Station and there is a bus stop outside the site providing links to Bluewater, Dartford, Wilmington, Longfield and New Ash Green. The development is thus in a sustainable location having regard to Policy TR3 of the NPPF which requires development to be located where it can support sustainable patterns of movement, enable good accessibility for different users and make the most of existing and proposed transport infrastructure. There is thus no conflict with criteria (iii) in Policy GB7(g).
11. Having regard to criteria (i), I have concluded that the development would not contribute strongly to purposes (a) (b) and (d) of Policy GB2 of the NPPF and there is no dispute that the development would conflict with purpose (e) as it would not assist in urban regeneration by encouraging the recycling of derelict and other urban land. There is also some conflict with purpose (c) as the siting of caravans on the Land and laying of hardstanding has undoubtedly resulted in some encroachment of development into the countryside. However, considering the extent of the remaining Green Belt across the area of the plan and the scale of the development that has taken place, the development that has taken place could not be said to fundamentally undermine purpose (c). I have had regard to interested parties' concerns that if the development were to be allowed, then similar small-scale development could be readily repeatable throughout the Green Belt which would have a substantial impact and undermine this purpose of the Green Belt. However, each case must be considered on its own merits and based on site

² Annex B: Glossary, NPPF.

specific circumstances. Criteria (i) in Policy GB7 is not an 'in combination test'. Whilst there is some encroachment into the countryside from the development, the scale of the development is limited. Having regard to the relative size of the appeal site compared to the considerable extent of Green Belt across Dartford, the development would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the plan area.

12. Therefore, based on my analysis above, the development would accord with Policy GB7(g) and should not be regarded as inappropriate development in the Green Belt. There is also no conflict with Policy M11 (e) of the LP which seeks to ensure that new Gypsy and traveller sites are located in reasonable proximity to a range of services and facilities. It is not therefore necessary to go on and consider the effects of Green Belt openness, and the development does not conflict with Policy M12 of the LP.

Character and appearance

13. The appeal site lies within an area of countryside on the edge of the village of Longfield. The site is rectangular in shape and bounded by timber fencing. The land has been laid to hardstanding for the parking of the vehicles, including a static caravan and a touring caravan which have been sited adjacent to the site's western boundary. The site shares a vehicular access to Green Street Green Road with the adjacent residential property known as Homefield. This access also serves the adjacent horse paddock to the West.
14. The NPPF recognises the intrinsic character and beauty of the countryside, and thus the impact of the development on its character and appearance is a relevant consideration in the context of the NPPF. However, the NPPF does not establish an objection in principle to Gypsy and traveller development in rural areas. Policy M11 of the LP sets out how the LPA will make provision for pitches to meet the needs of the travelling community, including how it seeks to achieve a five-year housing land supply. When considering new sites, Policy M11 advises that consideration should be given to ensuring that the site is appropriately screened and visually integrated into the local and wider landscape with careful siting within the site.
15. The appearance of the surrounding area is rural and generally characterised by fields and lanes bounded by hedgerows and occasional trees/belts of trees. There is sporadic development along Green Street Green Road, including a cluster of dwellings and an engineering works adjacent to the appeal site. There is also an active landfill site operating close to the site and to the north of Green Street Green Road.
16. It is well established that in practice and reality the development of a site as a residential caravan site for the Gypsy and traveller community will, by its very nature, have some urbanising impact on the appearance of the countryside. However, the site is not extensive in area and would accommodate no more than three caravans. The laying of hardstanding with vehicles parked on it, and the siting of caravans results in some encroachment of development into the countryside. However, the development is not isolated, it is well related to existing built development on Green Street Green Road. Furthermore, the single storey nature of the development ensures that it is not visually conspicuous and although the boundary fencing that has been erected is generally seen as a more urban

feature, there are opportunities to carry out landscape planting, including a new hedgerow/screen planting across the road frontage, which would help to assimilate the development into the locality. A landscaping scheme will also provide an opportunity to mitigate any loss there has been to biodiversity.

17. For the reasons given above, taking into account local and national planning policies, and subject to additional landscape planting, I find that any harm to the character and appearance of the area is not significant. There is no material conflict with Policy M11 of the LP which seeks to ensure that new Gypsy and traveller sites are integrated into the local and wider landscape, nor Policy M1 of the LP which seeks to ensure good design. I also find no conflict with the NPPF.

Protected Tree

18. Reason 4 of the LPA decision to serve an enforcement notice related to their concern that the development by reason of the laying of hardstanding, may have had a harmful impact on the health of a protected walnut tree (TPO Ref No 03 of 2022) which lies within the garden area of the neighbouring property Homefield.
19. The appellant's appeal submission included a post-development tree inspection report carried out by a professional arboriculturist to assess and estimate the tree health impacts from the recent construction activities undertaken on the appeal site and in particular the hardstanding and fencing along the eastern boundary of the appeal site³.
20. The report concludes that, considering the works undertaken in laying the hardstanding, the materials used and existing and finished ground levels, it is unlikely that there has been any major change to the tree's root protection area. Nor is it anticipated that the hardstanding would result in changes to ground permeability sufficient to cause significant alterations in water availability to the tree. Furthermore, the limited excavation required for the structural fence posts would not have caused significant or sustained root damage.
21. The report concludes that the overall impact of the works is predicated to be no more than minor. However, it also recommends that to prevent any additional gratuitous rooting environment alteration the hardstanding should be retained and no additional hardstanding permitted within the identified root protection area. The Council has subsequently advised that their arboriculturist agrees with the conclusions of the post-development inspection report.
22. For the reasons given above, and subject to the imposition of a condition on any consent granted to prevent the alteration of, or additional hardstanding being laid, the development would not have a harmful effect on the health of the neighbouring walnut tree and there is no conflict with Policy M14 of the LP which seeks to ensure that development would not adversely affect sites which are designated for their biodiversity value, and which would include protected trees.

Ground Water Contamination

23. The appeal site lies within 50metres of an active landfill site and within an area which is designated as Ground Source Protection Zone 3. No information was provided with the appeal to demonstrate that the development undertaken would

³ Post-Development Tree Inspection, David Archer Associates, Client: WSPA, dated July 2026.

not result in a risk to groundwater from the imported hardstanding nor from any future foul or surface drainage proposals.

24. The Environment Agency (EA) has objected to the proposal in the absence of any clear evidence that there would not be a risk to contamination of groundwater or other receptors. Their main concern relates to the source of the hardstanding material that has been placed on the Land and any future intended water and/or sewage connections in connection with the residential caravan site. That said, the LPA consider that the concerns raised by the EA could be adequately mitigated by a condition requiring details of foul and surface water drainage serving the site, including how groundwaters will be protected from contamination from imported hardstanding or other sources as part of a site development scheme. The condition would also provide that in the event that those details are not submitted or approved, then the use of the site as a residential caravan site would have to cease.
25. From the evidence before me, and having regard to the nature of the development, I concur with the LPA that subject to the suggested condition, the risk to groundwater contamination would not be significant and there would be no material conflict with Policy M2 of the LP which seeks to ensure that development demonstrates that it is designed and located to not result in unacceptable material impacts, individually or cumulatively, on neighbouring uses, the Borough's environment or public health. I also find no conflict with the NPPF in relation to water quality and in particular with Policy P3 which advises that development proposals should assess and mitigate impacts where the development would have an unacceptable adverse effect on water quality, especially in relation to sensitive water bodies such as chalk streams.

Intentionally Unauthorised Development

26. Policy DM8 of the Framework advises that in cases of unauthorised development where consideration is being given to an application for retrospective planning permission, if it is concluded based on the evidence that unauthorised development was intentional, that fact should be given substantial weight in considering whether to grant planning permission.
27. There is no dispute that the deemed planning application (ground (a)) is a retrospective planning application, albeit the deemed planning application does now provide an opportunity, if necessary, to impose conditions on any permission granted. I am also mindful that enforcement procedure is intended to be remedial rather than punitive and that the 1990 Act, as amended, makes provision for retrospective planning permission. However, it is clear that the appellant knew that planning permission was required and carried out development without obtaining that consent, therefore the unauthorised development was intentional. Policy DM8 advises that substantial weight should be given in considering whether to grant planning permission.

Planning Balance

28. Planning law requires that planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise⁴.
29. I have found that the development is not inappropriate development in the Green Belt and thus having regard to Policy S5.5 of the NPPF, proposals in the Green Belt should be approved unless the benefits of doing so would be substantially outweighed by any adverse effects, when assessed against the national-decision making policies in this Framework, and applying paragraph 2 of Policy S.5. Paragraph 2 advises that the circumstances in which the benefits of approving development proposals are likely to be substantially outweighed by adverse effects include, but are not restricted to, situations where the development proposal would fail to comply with one of the national-decision making policies which state that development proposals should be refused in specific circumstances.
30. Furthermore, the LPA do not have an up to date 5 year supply of deliverable Gypsy and traveller sites and there is no dispute between the parties that the proposal complies with Policy HO12 of the NPPF. The absence of a 5 year supply of sites provides substantial weight in favour of the appeal and the presumption in favour of sustainable development as set out in Policy S3 of the NPPF applies in this regard.
31. I have found no material conflict with the development plan including in relation to the effect of the development on the character and appearance of the area, nor conflict in relation to its effect on the adjacent protected walnut tree. I have also found no conflict with the development plan, subject to a condition, in relation to potential ground water contamination. However, the absence of harm in respect of those main issues is neutral in the planning balance.
32. On the other side of the balance, I have found that the unauthorised development that has taken place was intentional, which attracts substantial weight against allowing the appeal.
33. I conclude that the benefits of providing additional pitches for a Gypsy and traveller family significantly and demonstrably outweighs the conflict with Policy DM8 of the NPPF. The harm resulting from intentional unauthorised development can be mitigated by the imposition of planning conditions. In addition, there are no national-decision making policies which state that this development proposal should be refused. The development is therefore sustainable development.

Other Matters

34. I have had regard to the personal circumstances of the site occupiers and their Human Rights. However, given my finding that the development proposal is sustainable development and should be approved, I do not need to consider those matters further in this decision.

⁴ Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990, as amended.

Conditions

35. I have considered in the light of the Planning Practice Guidance the need for the conditions put forward by the Council, suggested by the appellant in their statement of case and also conditions suggested by an interested party. As a result, I have omitted some and amended others for reasons of clarity.
36. A condition is necessary to restrict the occupation of the site to Gypsies and travellers to secure the site as part of the Council's supply of traveller sites against future identified need. It is also necessary to condition the number of pitches and caravans to safeguard amenity.
37. In the interest of the appearance of the site and to ensure protection of groundwater from contaminants, it is necessary to require the submission and approval of a site development scheme to include a site layout plan, external lighting; soft landscaping, details of all areas of hard surfacing, waste storage/recycling provision, and details of the foul and surface water drainage. The condition is drafted in this form because, unlike an application for planning permission for development yet to commence, in the case of a retrospective grant of permission, it is not possible to use a negatively worded condition precedent to secure the subsequent approval and implementation of the outstanding detailed matter. The condition therefore provides for the loss of the effective benefit of the grant of planning permission where the detailed matters in question are not submitted for approval during the time set by the condition, approved (either by the local planning authority ("LPA") or by the Secretary of State on appeal), and then implemented in accordance with an approved timetable. Should the requirements of the condition not be met in line with the strict timetable, then the planning permission falls away.
38. In the interest of the appearance of the site and to protect the living conditions of neighbouring residents, it is necessary to impose conditions to prevent the stationing and storage of vehicles over 3.5 tonnes and to prevent commercial activities from taking place on the site and control any further fencing/means of enclosure.
39. To ensure the health of the protected walnut tree is safeguarded, it is necessary to impose a condition to require the recommendations set out in the post-tree inspection report to be adhered to.
40. The interested party's suggestion for a condition to require biodiversity gains is not required as Policy N2.3 of the NPPF advises that decision makers should not give weight to other development plan policies which go beyond the statutory framework, including where a policy requires gains for development proposals which are exempt. In this case the deemed application for planning permission is retrospective and the statutory framework does not apply⁵.
41. The site is of sufficient size to accommodate two static caravans and a tourer to support the family group. The site layout is controlled by condition and a soft planting scheme will improve the appearance of the site.

⁵ Schedule 7A of the Town and Country Planning Act 1990, as amended (inserted by the Environmental Act 2021).

42. It is not necessary to impose a condition to control any future outbuildings, sheds, etc on the site as these would be operational development requiring planning permission.

Conclusion

43. For the reasons given above, I conclude that the appeal on ground (a) should succeed and planning permission is granted subject to conditions set out in the formal decision below. The appeal on ground (g) does not therefore fall to be considered.

Formal Decision

44. 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 to the stationing of caravans/mobile homes for residential occupation; and operations consisting of the laying of hard standing and the erection of fencing on the land adjacent to Homefield, Green Street Green Road, Longfield, Kent, shown edged red on the plan attached to the notice and subject to the following conditions:

- 1) The use hereby permitted shall cease and all caravans, hardstanding, fencing, equipment and materials brought onto the land for the purposes of the use shall be removed within 12 months of the date of failure to meeting 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 (herein referred to the scheme) to include:
 - a) a site layout plan showing the location of the caravan pitches, hard surfacing, parking areas; waste and recycling facilities;
 - b) details of any external lighting to be provided, including location, height, maximum luminance and design;
 - c) details of foul and surface water drainage serving the site, including how groundwater will be protected from contamination from imported hardstanding;
 - d) details of soft and hard landscaping for the site, including details of screen planting to be provided along the frontage of the site. The soft landscaping details shall include details of species, plant sizes, proposed number of plants and densities and maintenance programme and hard surfacing kept to a minimum.

shall have been submitted for the written approval of the Local Planning Authority and shall include a timetable for its implementation.

- ii) Within 11 months of the date of this decision the scheme shall have been approved by the Local Planning Authority or, if 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 and shall thereafter be maintained for the duration of the use of the site and development.

In the event of a legal challenge to this decision, or 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.

- 2) 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 Annex B of the NPPF, August 2026 or replacement planning policy or guidance.
- 3) There shall be no more than two pitches on the site and no more than three 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 no more than two shall be a static caravan/mobile home.
- 4) No vehicles over 3.5 tonnes shall be stationed, parked or stored on this site.
- 5) No commercial activities shall take place on the land, including the burning or storage of materials.
- 6) No external lighting shall be provided on the site unless details, including the location, height, maximum luminance and design.
- 7) The recommendations as set out in the 'Post Development Tree Inspection' report carried out by David Archer Associates and dated July 2026, shall be adhered to at all times and no additional hardstanding shall be laid.
- 8) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting or amending that Order) no additional gates, walls or fences or other means of enclosure, shall be erected or placed within or on the boundaries of the site.

Elizabeth Pleasant

INSPECTOR