



Appeal Decision

Site visit made on 6 October 2026

by **T C King BA(Hons), MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 29 October 2026

Appeal Ref: APP/V2255/C/24/3341780

Fir View, 109/111 London Road, Newington, Sittingbourne, Kent, ME9 7RH

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Miss Tammy Beaney against an enforcement notice issued by Swale Borough Council.
 - The notice was issued on 5 March 2024.
 - The breach of planning control as alleged in the notice is the unauthorised stationing of a static caravan in breach of condition (3) of planning permission 16/508699/FULL which reads as follows: 'No more than 4 caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 (of which no more than 2 shall be static caravans or mobile homes) shall be stationed on the site at any time';
 - Reason: In recognition of the terms of the application, and because an uncontrolled use of the land would be unacceptably detrimental to the character and amenities of the area..
 - The requirements of the notice are to 'comply with condition (3) of planning permission 16/508699/FULL by reducing the number of caravans as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 stationed on the Land to no more than 4 (of which no more than 2 shall be static caravans or mobile homes).'
 - The period for compliance with the requirement is six (6) calendar months after this notice takes effect.
 - The appeal is proceeding on the ground[s] set out in section 174(2)(a) 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.
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Decision

1. The appeal is allowed and the enforcement notice is quashed. In accordance with section 177(1)(b) and section 177(4) of the 1990 Act, as amended, condition no 3 attached to the planning permission (ref 16/508699/FULL), dated 13 June 2018, granted by Swale Borough Council, is discharged and is substituted with the new condition below.
2. Planning permission is therefore granted on the application to have been made under section 177(5) of the 1990 Act, as amended, for the change of use of land to a private gypsy and traveller caravan site without complying with the said condition, but subject to the other conditions attached to that permission, such that they are still capable of subsisting, and the following new condition:
 - 1) No more than 4 caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 shall be stationed on the Land at any one time, of which no more than 3 shall be static caravans or mobile homes.

The appeal under ground (a)

3. An appeal under ground (a) is that, in respect of any breach of planning control which may have been constituted by the matters stated in the enforcement notice,

planning permission ought to be granted notice or, as is the case here, the condition ought to be discharged.

4. The appeal involves a third static caravan being placed on the land. The occupier, Tammy Beany, has lived at Fir View for some twenty five years. She is the daughter of Thomas Beany, who has gypsy and traveller status. He lives there and was the applicant for the previous planning application made in 2016. The application was successful, and involved planning permission allowing for two static caravans to be placed on land to the side of Fir View itself.
5. The planning permission was implemented and the two caravans were occupied by younger relatives of Thomas Beany. In 2022 Tammy Beany moved into the third static caravan subsequently placed on the land, This is the subject of the current enforcement notice.
6. The latest National Planning Policy Framework (the Framework), published in August 2026, effectively incorporates the advice from the government's Planning policy for traveller sites (PPTS). Indeed, the PPTS as a stand-alone document, has been superseded with its guidance now integrated into the Framework so as to streamline policies and ensure that traveller site applications are judged consistently alongside other housing applications. In the circumstances, the Framework's policy HO12 is now the central national decision making policy for such sites.
7. Policy S5 of the Framework says that only certain forms of development should be approved outside settlements and this includes development which would address an evidenced unmet need for gypsy and traveller purposes and would satisfy the requirements of policy HO12 thereto. Further, the policy recognises that a travellers' site, with its traditional residential and working pattern may contribute to sustainability and can mean that a location which is not well related to an existing settlement may still be appropriate in planning terms. I am satisfied that the current proposal is not at odds with this policy advice.
8. When faced with a planning application, or a DPA (as is the case here) it is therefore necessary to take into account the existing need for additional sites, and also relevant personal circumstances along with the status of the occupiers.
9. With reference to the corresponding case report for the 2016 planning application, written in 2018, the Council said that it could then demonstrate a sufficient supply of gypsy and traveller sites to meet its five year requirement. However, the Council's submissions for the current appeal make no mention of the current situation in this regard. The appellant's line here is that the current Gypsy and Traveller Accommodation Assessment 2023/27 (GTAA) for Swale shows there is a shortfall of 80 pitches, but the Council has not commented on this.
10. It is clear from the 2018 case report that the use was considered acceptable for certain reasons. First, the proposal was considered a windfall site for gypsy and traveller purposes and, in adjoining Fir View, an existing site, it would be occupied by relatives of those residing there. Second, although the Council considered the use would cause some harm to the intrinsic character and value of the countryside, it was decided that it would satisfy the criteria of policy DM10 of the Swale Borough Local Plan (SBLP). The SBLP remains the development plan for the Swale area, and policy DM10 is still in effect.

11. Importantly, though, the then applicant, Thomas Beany applied in 2016 only for two static caravans to be stationed on the land.
12. At my site visit I observed that the site is well kept and low key in use with evidential demarcation between the pitches. It is reasonable, in the circumstances, to allow for a third static caravan to be stationed on the land, and it would be impractical to attempt to accommodate any more than this. In its contextual setting the additional caravan also has a negligible effect on the landscape and its character.
13. Further, even if the Council is currently able to demonstrate a five year land supply for gypsy and traveller purposes the DPA represents only one additional pitch, and represents an intensification of an existing site, which SBLP policy DM10 supports.
14. I have also found that the proposal is consistent with the new Framework and also SBLP policies DM10 and DM14, which are the most relevant here.

Conclusion

15. On the above basis, and having considered all matters raised, I conclude that the appeal should succeed and the enforcement notice should be quashed. Accordingly, the condition the subject of the enforcement notice should be discharged and planning permission granted on the application deemed to have been made for the change of use of land to a private gypsy and traveller caravan site previously permitted, without complying with condition 3, but subject to the other conditions imposed as part of that permission, as well as a new condition restricting the number of caravans on the site.

TC King

INSPECTOR