



Mr Mark Hearn
C/O White Planning
FAO: Tony White
Wey Bank
Alton Road
Farnham
GU10 5EL

4 October 2023

PLANNING DECISION NOTICE

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| APPLICANT: | Mr Mark Hearn |
| DEVELOPMENT TYPE: | Minor Gypsy and Traveller Sites |
| APPLICATION REFERENCE: | 23/503600/FULL |
| PROPOSAL: | Change of use of land to residential, comprising the siting of 1 mobile home (caravan), 1 Touring caravan, the erection of a Day Room to provide adapted access for Romani Gypsy family (Retrospective - Continued Use). |
| ADDRESS: | Cherry Gardens, Collier Street, Tonbridge, Kent, TN12 9RJ |

The Council hereby **GRANTS** permission/consent for the proposal referred to above subject to the following Condition(s):

(1) The development hereby permitted shall be carried out in accordance with the following approved plans:

- o Design and Access and Planning Statement
- o Flood Risk Assessment (Ref: 93010-WhitePlanning-CollierStreet)
- o Gypsy and Traveller and Travelling Showpeople Accommodation Assessment
- o Proposed Caravan Floor Plans and Elevations (dwg no: GP/02/23 Rev B) received on 2 August 2023
- o Location Plan
- o Proposed Block Plan (dwg no: GP/01/23 Rev C) received on 9 August 2023

- o Proposed Dayroom Floor Plans and Elevations (dwg no: GP/03/23 Rev B) received on 21 September 2023

Reason: For the avoidance of doubt and in the interests of proper planning.

(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, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.

Reason: The site is in an area where the stationing of caravans/mobile homes is not normally permitted.

(3) No more than 1 static caravan, as defined by the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 and 1 tourer, shall be stationed on the land at any one time. The static home shall be positioned on the site as set out on the submitted drawing no. GP/01/23 Rev C - Proposed Block Plan and the touring caravan shall only be used for the purposes ancillary to the residential use of the static caravan hereby approved.

Reason: To safeguard the character and appearance of the countryside.

(4) The finished floor levels shall of the mobile home and dayroom shall be not less than 14.1mAOD and the development shall be carried out in accordance with Flood Risk Assessment (93010-WhitePlanning-CollierStreet) dated July 2023.

Reason: To ensure that the development is designed safely in reference to flood risk

(5) If the lawful use of the site ceases, all caravans, structures, equipment and materials bought 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.

Reason: To safeguard the character and appearance of the countryside.

- (6) No vehicle over 3.5 tonnes shall be stationed, parked or stored on the land and no commercial or business activities shall take place on the land including the storage of materials.

Reason: To prevent inappropriate development; to safeguard the character and appearance of the countryside; and in the interests of residential amenity.

- (7) Notwithstanding the provisions of Schedule 2 Part 4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no temporary buildings or structures shall be stationed on the land other than those expressly authorised by this permission (as shown on the approved plans).

Reason: To prevent inappropriate development and safeguard the amenity, character and appearance of the countryside; and in the interests of residential amenity.

- (8) The use hereby permitted shall cease and all caravans, structures, equipment and materials brought onto the land for the purposes of such use shall be removed within 6 weeks of the date of the failure to meet any one of the requirements set out in (i) to (iv) below:
- i. Within 6 weeks of the date of this decision a Site Development Scheme, hereafter referred to as the 'Scheme', shall have been submitted for the written approval of the Local Planning Authority. The Scheme shall include details of:
 - a. extent of existing hardstanding and parking.
 - b. the means of foul and surface water drainage at the site, along with details regarding the provision of potable water and waste disposal. These details should include the size of individual cess pits and/or septic tanks and/or other treatment systems. Information provided should also specify exact locations on site plus any pertinent information as to where each system will discharge to, (since for example further treatment of the discharge will be required if a septic tank discharges to a ditch or watercourse as opposed to sub-soil irrigation).
 - c. existing external lighting on the boundary of and within the site.
 - d. details of existing landscaping and details of soft landscape enhancements
 - e. details of the measures to enhance biodiversity at the site; and,
 - f. a timetable for implementation of the scheme including a) to e) with all details implemented in accordance with the agreed timetable and all details retained for the lifetime of the development.
 - 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 thereafter maintained and retained as approved.

Reason: To ensure the visual amenity, character and appearance of the open countryside location which forms part of the designated Low Weald Landscape of Local Value is safeguarded.

- (9) The landscaping required by condition 8 (i) (d) shall be designed in accordance with the principles of the Council's landscape character guidance (Maidstone Landscape Character Assessment Supplement 2012). The landscaping details shall:
- o show all existing trees, hedges and blocks of landscaping on, and immediately adjacent to, the site and indicate whether they are to be retained or removed,
 - o include a planting specification, implementation details and a [5] year landscape management plan (Only non-plastic guards shall be used for the new trees and hedgerows, and no Sycamore trees shall be planted).

Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development.

- (10) All planting, seeding and turfing specified in the approved landscape details shall be completed by the end of the first planting season (October to February) following its approval. Any seeding or turfing which fails to establish or any existing or proposed trees or plants which, within five years from planting, are removed, die or become so seriously damaged or diseased that their long term amenity value has been adversely affected shall be replaced in the next planting season with plants of the same species and size as detailed in the approved landscape scheme.

Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development.

- (11) No additional external lighting shall be installed unless full details of any such lighting have first been submitted to, and approved in writing by, the local planning authority. The approved details shall be in accordance with the Institute of Lighting Obtrusive Light Limitations for Exterior Lighting Installations for Environmental Zone E1. The development shall thereafter be carried out in accordance with the approved details and retained as such thereafter.

Reason: In order to protect dark skies and prevent undue light pollution, in accordance with the maintenance of the character and quality of the countryside.

- (12) The enhancement of biodiversity on the site, required by condition 8 shall include the installation of a minimum of one bat tube on the approved mobile home and dayroom, and the installation of ready-made bird and bat boxes on the site. The approved details shall be implemented within 8 weeks of the details being approved and all features shall be maintained as such thereafter.

Reason: To enhance ecology and biodiversity on the site in line with the requirement to achieve a net biodiversity gain from all development.

- (13) All hardstanding areas shall be of permeable construction as indicated on drawing no. GP/01/23 Rev C - Proposed Block Plan.

Reason: In the interests of amenity.

- (14) The dayroom shall not commence above slab level until either
- a) details of how decentralised and renewable or low-carbon sources of energy will be incorporated into the development hereby approved to provide at least 10% of total annual energy requirements of the development, have been submitted to and approved in writing by the local planning authority. The approved details shall be installed prior to first occupation of the approved dayroom and maintained thereafter. or in the relevant circumstances
 - b) full conclusions of a feasibility study (carried out by a professional with the necessary expertise and knowledge) to show why on site renewable energy generation is not technically feasible has been submitted to and approved in writing by the local planning authority.

Reason: To ensure an energy efficient form of development.

- (15) The dayroom shall not commence above slab level until details of the materials and detailing to be used for the external surfaces have been submitted to and approved in writing by the Local Planning Authority. The development shall then be constructed in accordance with the approved materials and detailing.

Reason: In the interests of visual amenity and character and appearance of the countryside

- (16) The dayroom shall not commence above slab level until the existing outbuilding and shipping containers have been removed from the site.

Reason: In the interests of visual amenity and character and appearance of the countryside

The Council's approach to this application:

In accordance with paragraph 38 of the National Planning Policy Framework (NPPF), September 2023, the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and creative way by offering a pre-application advice service, where possible, suggesting solutions to secure a successful outcome and as appropriate, updating applicants / agents of any issues that may arise in the processing of their application.

In this instance, the application was acceptable as submitted and no further assistance was required. The application was approved without delay.

If your decision includes conditions that need to be discharged, please be advised that there is a separate application process to discharge them which includes a fee. For more information on this please visit https://www.planningportal.co.uk/info/200126/applications/60/consent_types/12 and to submit an application for approval of details (discharge conditions) please use this link <https://www.planningportal.co.uk/applications>

R. L. Jarman

Rob Jarman
Head of Development Management
Maidstone Borough Council

Please be advised that irrespective of whether your proposal requires planning permission or not, it may still require Building Regulation Approval. For more information on this please visit our website <https://www.maidstone.gov.uk/home/primary-services/planning-and-building/primary-areas/building-control>

IMPORTANT - YOUR ATTENTION IS DRAWN TO THE ATTACHED NOTES

NOTIFICATION TO APPLICANT FOLLOWING REFUSAL OF PERMISSION OR GRANT OF PERMISSION SUBJECT TO CONDITIONS

This decision does not give approval or consent that may be required under any act, bylaw, order or regulation other than Section 57 of the Town and Country Planning Act 1990.

Appeals to the Secretary of State

If you are aggrieved by the decision of your local planning authority (LPA) to refuse permission for the proposed development, or to grant it subject to Conditions, then you can appeal to the Secretary of State (SoS) under Section 78 of the Town and Country Planning Act 1990. **Please see “Development Type” on page 1 of the decision notice to identify which type of appeal is relevant.**

- If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice and if you want to appeal against the LPA's decision on your application, then you must do so within **28 days** of the date of this notice.
- If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against the LPA's decision on your application, then you must do so within **28 days** of the date of service of the enforcement notice, or within **6 months [12 weeks** in the case of a **householder** or **minor commercial** application decision] of the date of this notice, whichever period expires earlier.
- If this is a decision to refuse planning permission for a **Householder** application or a **Minor Commercial** application and you want to appeal the LPA's decision, or any of the conditions imposed, then you must do so within **12 weeks** of the date of this notice.
- In all other cases, you will need to submit your appeal against the LPA's decision, or any of the conditions imposed, within **6 months** of the date of this notice.

Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>.

If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority (planningappeals@midkent.gov.uk) and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. [Further details are on GOV.UK.](#)

The SoS can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The SoS need not consider an appeal if it seems to the SoS that the LPA could not have granted planning permission for the proposed development or could not have granted it without

the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.