

SUPPLEMENTARY REPORTS

AREA 2 PLANNING COMMITTEE

DATED 3rd December 2025

Leybourne

TM/25/00944/PA

Birling Leybourne And Ryarsh

Location: Land Opposite The Paddocks, Birling Road, Leybourne

Proposal: Permanent use of site for four Gypsy Traveller families, to include four static caravans, four touring caravans, four Utility blocks, parking for 8 cars, water treatment plant, and associated hardstanding

Following the publication of the Committee report the Council has received further representations on the application.

The agent has forwarded three appeals which have been allowed relating to Gypsy Travellers/Grey Belt (email dated 2 December 2025). These are:

Appeal Ref: APP/V1505/C/23/3330687 – Decision Date 31 January 2025
Sadlers Park, London Road, Bowers Gifford, BASILDON SS13 2HD

Appeal A Ref: APP/P0240/C/23/3316029 – Decision date 28 March 2025
Land Known as Chiltern Meadows (Rear of Kingswood Nursery), Dunstable Road, Tilsworth, Leighton Buzzard, LU7 9PU

Appeal A: APP/C3620/C/24/3347934 – Decision date 18 February 2025
Land adjacent to Cidermill Hatch, Partridge Lane, Newdigate, Dorking, Surrey RH5 5BP

The agent contends that the first appeal referenced above supports the contention that the A228 is a sufficient barrier to the merging of development and the A228 and adjoining fields, provides a “strong degree of separation between Leybourne west and east.

In the second and third appeal the Inspectors conclude the sites are Grey Belt having followed the procedure set out in the NPPF when considering Grey Belt.

Officer have received all three appeal decisions and are of the opinion that whilst there are some differences between the application site and the appeal sites, in

regard to Grey Belt, the Committee report before Members follows the correct procedure as set out in the NPPF for establishing Grey Belt.

The Council is also aware of other email correspondence from Leybourne, West Malling Residents, (email dated 26 November 2025) sent directly to the Director of Planning, Housing & Environmental Health. The Director of Planning, Housing & Environmental Health has responded directly to this email.

In addition, the Council has also been forwarded from a local ward member various emails which have been circulated to all Councillors, various MP's, and other Parish Councils, from Leybourne, West Malling Residents (email dated 30 November 2025), as well as an email to all Councillors from Helen Grant MP (email dated 2 December 2025), an email from a former Chairman & Councillor of Leybourne Parish Council (email dated 2 December 2025) and two separate emails from Interested Parties (both dated 3 December).

The Council has reviewed all correspondence received; however, Officers do not consider any of the planning related matters raised within the further correspondence changes the recommendation before Members tonight.

East & West Peckham Mereworth and
Wateringbury

Location: Grove Farm, Maidstone Road, Hadlow

Proposal: Redevelopment of student accommodation to provide 17 new homes.

Following the publication of the Committee report an email has been received from the applicant (01/12/25), this email raised two points, one in relation to the Heads and Terms of the Section 106 agreement the other in regard to Condition 16.

Turning first to the Heads and Terms of the S106 agreement. The applicant has questioned the feasibility of the development being built to 'structural slab Level within 12 (twelve) months of the date of the Deed, stating that, it is possible that some of the slabs for the dwellings might not be laid until other houses are well advanced.

Officers have considered this point and agree as it is likely the development would be implemented with a rotational approach, to achieve slab level for all the dwellings within 12 months would be unreasonable.

Officers therefore suggested that the Heads and Terms are amended to the "implementation" of the development. Amended suggested wording is set out below, (final wording to be agreed)

"Affordable housing mechanism

If the Development is not implemented within 12 (twelve) months of the date of this Deed the Owner shall notify the Council in writing within 5 (five) Working Days.

Should the Owner have notified the Council pursuant to paragraph xx of this schedule they shall then submit the Viability Information to the Council within 40 (forty) Working Days of such notification.

The Council shall assess the Viability Information submitted pursuant to paragraph X of this Schedule and shall apply the following formula to calculating whether or not the Developer Contribution is payable."

Turning next to condition 16, this condition is in response to KCC Ecological advice services consultation response dated 17 November 2025.

The applicant has questioned the need for this condition as the application is accompanied by a preliminary ecological appraisal in relation to ecology.

It is clear from KCC Ecology responses both the 27 May 2025 and the subsequent response 17 November 2025 that the ecological information submitted with the application has been reviewed. KCC Ecology later response notes:

“The surveys submitted with application 23/00329/F concluded that it is unlikely that roosting bats or reptiles are present within the site but there are at least 3 species of bats foraging/commuting within the site and there is potential for breeding birds (including barn owl) badgers, hedgehog and GCN to be present within the site. The ecological survey for this application detailed that it was unlikely that GCN were present and did initially did not consider the potential for barn owls to be present. An breeding bird survey has been submitted and confirmed that the site is unsuitable to support barn owls as there is no access in the buildings.

No additional information has been provided clarifying why the current ecologist dealing with this application considers it unlikely that GCN are present and why the conclusion of the report change between 2022 and 2025 – particularly as GCN have been recorded within the wider area.

However, we have reviewed the submitted information in more detail, and we accept that this matter can be addressed within a site wide ecological mitigation strategy.”

Officers therefore consider that Condition 16 is required and moreover meets the six tests which are derived from the NPPF and supported by judicial interpretation, which requires planning conditions to be:

- necessary,
- relevant to planning,
- relevant to the development,
- enforceable,
- precise and
- reasonable in all other respects.