

East Peckham
East Peckham And
Golden Green

27 November 2012

TM/12/01892/FL

Proposal:	Retention of change of use of land to use as a residential caravan site for one gypsy family, including the laying of a hard standing, erection of fencing, detached amenity building and steps and decked areas to mobile home. Land raised by 300 mm hardcore/pavers
Location:	East Acres Branbridges Road East Peckham Tonbridge Kent TN12 5HD
Applicant:	Mr Kevin Eastwood

1. Description:

- 1.1 Members may recall that an Enforcement Notice in respect of this development was issued in February 2010. The Notice was subject to an appeal. The Notice was upheld by the Planning Inspector but the period for compliance was varied by the Inspector to a period of 18 months (meaning that the applicants should have vacated the site by 02.09.2012). The Inspector gave the reason for extending the time period for compliance as follows:

“The appellant argued that three months was not enough bearing in mind the difficulty of finding alternative sites. The Council has a duty to facilitate the appellant’s way of life and 18 – 24 months was realistic in this instance. Whilst I recognise that the site is in a vulnerable location, there is an early flood warning service that the appellant can sign up to which would help to secure the family’s safety bearing in mind the vulnerability of the site.”

- 1.2 Following the Inspector’s decision to uphold the Enforcement Notice (subject to the varied time for compliance), planning application TM/12/01892/FL was submitted on 16.06.2012 to allow for the continued occupation of the site. Further action has been held in abeyance to allow for the consideration of this application.
- 1.3 It is acknowledged that a significant period of time has elapsed since the submission of the current planning application and bringing the matter to APC2 for determination. The reason for this centres on the fact that we have been awaiting a number of key decisions from the Planning Inspectorate, High Court, and subsequently Court of Appeal, which would form material planning considerations and which needed to be considered within the context of this case.
- 1.4 A central consideration was the awaited Planning Inspectorate’s decision in respect of Woodford, Old Lane, Ightham. The Hearing regarding this case took place in December 2013 although, for various reasons, the final decision was not made by the Planning Inspectorate until 24 July 2015.

- 1.5 This was followed by a second appeal relating to a site in Hadlow (Alan's Hectare, Cemetery Lane) which was determined by the Planning Inspectorate in June 2016. This decision, when read in conjunction with the earlier 'Woodford' decision gives a clear direction in terms of unmet need for Traveller provision within the Borough, a matter which is discussed in detail throughout the report.
- 1.6 Furthermore, given that a key consideration in the assessment of the case to which this application relates centres on matters of Green Belt policy and the application of the requirements set out in the NPPF (Section 9), the *Redhill Aerodrome* case was also considered to have some important implications.
- 1.7 The Redhill case ultimately went to the Court of Appeal, with the Judgement being made on 24 October 2014; the long-standing approach to assessing very special circumstances ultimately remaining unchanged as a result ("any other harm" including other harm relevant to planning purposes, not solely other harm to the Green Belt). This sequence of events had a very clear bearing on the consideration of the appeal case given that there was a need to assess the scheme in terms of "any other harm" and what the Courts held that to mean within the context of the NPPF; particularly in light of the flooding issues surrounding this site specifically.
- 1.8 It is therefore now necessary to consider the planning application alongside the relevant planning policy framework, in light of the prevailing circumstances of the site and surrounding land and within this wider context. I refer to these as relevant throughout the assessment that follows:

2. Reason for reporting to Committee:

- 2.1 Given the planning history of the site and at the request of Cllr Rogers.

3. The Site:

- 3.1 The site lies within the Metropolitan Green Belt and within Flood Zone 3b.

4. Planning History (relevant):

TM/10/00073/FL	Application Not Proceeded With	26 April 2011
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Change of use of land to use as a residential caravan for one gypsy family with two caravans, construction of hardstanding and erection of amenity building

TM/12/01534/DEEM	18 October 2010
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Deemed application as a result of Enforcement Appeal (10/00012/ENFNOT) for change of use of the land to a residential caravan site and the creation of a hard surface

5. Consultees:

- 5.1 PC: Object on grounds that development is inappropriate in Green Belt, in an area at risk from flooding and considered too obtrusive for village environs.
- 5.2 KCC (H+T): No objections subject to the imposition of conditions.
- 5.3 UMIDB: Opposed to any loss of flood storage (without appropriate compensatory storage) or the obstruction of flood flows. As this site is directly alongside the River Medway, request that EA advice is sought and followed in respect of flood plain issues.
- 5.4 EA: Object to the application for the following reasons:
 - 5.4.1 The development falls into a flood risk vulnerability category that is inappropriate to the flood zone in which the application site is located. The development type is classified as highly vulnerable in accordance with Table 2 of the technical guide to the NPPF. Tables 1 and 3 of the technical guide make clear that this type of development is not compatible with this flood zone and should therefore not be permitted.
 - 5.4.2 The site lies within Flood Zone 3b defined by the technical guide to the NPPF as having a very high probability of flooding where the risk to life and/or property from fluvial inundation would be unacceptable.
 - 5.4.3 We recommend that the application be refused on this basis.
 - 5.4.4 Supporting Notes: The site lies in an area considered to be functional flood plain ie flood zone 3b. This flood risk arises from the River Medway and is not dealt with in paragraph 3.12 of the FRA. There are no defences in place to reduce this risk and flows are expected to be deep and fast. Accordingly to the NPPF, caravans are considered to be highly vulnerable to flooding and therefore unsuitable for this location. The Council will also wish to note that during a serious flood event there will be no safe egress or access at the site.

[DPHEH: Given the passage of time, Officers have sought more up to date advice from the EA to ensure their position remains as set out above. The EA has confirmed that their previous objections remain.]

- 5.5 Private Reps: 28/0X/0R/0S.

6. Determining Issues:

- 6.1 The main issues in the consideration of this case relate to the principle of the development within the Green Belt, its impact upon openness, its impact upon the rural character of the locality more generally, the vulnerability of the site and development in terms of flood risk and the issues surrounding the provision and need of Traveller sites across the Borough. These matters form the basis of the

assessment that follows.

Planning Policy for Traveller Sites (PPTS):

- 6.2 This forms part of the NPPF and should be read in conjunction with that document. PPTS makes clear that the policies set out in the NPPF will apply also to decision-taking for Traveller sites. In applying those provisions to Traveller sites, references in those provisions to policies in the NPPF should, where relevant, be read to include policies in the PPTS.
- 6.3 PPTS states that the government's overarching aim is to ensure fair and equal treatment for Travellers, in a way that facilitates their traditional and nomadic way of life while respecting the interests of the settled community, and gives guidance in respect of the use of evidence, plan-making and decision-taking. It sets out that government's aims in respect of Traveller sites are:
- that local planning authorities should make their own assessment of need for the purposes of planning;
 - to ensure that local planning authorities, working collaboratively, develop fair and effective strategies to meet need through the identification of land for sites;
 - to encourage local planning authorities to plan for sites over a reasonable timescale;
 - that plan-making and decision-taking should protect Green Belt from inappropriate development;
 - to promote more private Traveller site provision while recognising that there will always be those travellers who cannot provide their own sites;
 - that plan-making and decision-taking should aim to reduce the number of unauthorised developments and encampments and make enforcement more effective;
 - for local planning authorities to ensure that their Local Plan includes fair, realistic and inclusive policies;
 - to increase the number of Traveller sites in appropriate locations with planning permission, to address under-provision and maintain an appropriate level of supply;
 - to reduce tensions between settled and traveller communities in plan-making and planning decisions;
 - to enable provision of suitable accommodation from which Travellers can access education, health, welfare and employment infrastructure;

- for local planning authorities to have due regard to the protection of local amenity and local environment.

6.4 Specific planning policies for Traveller sites, including sites within the Green Belt, are clearly set out within this document. The requirements set out in PPTS are considered in detail throughout this report.

Human Rights and Equalities Considerations

6.5 A key matter in this type of application is the European Convention on Human Rights as applied by the Human Rights Act 1998 along with the Council's requirement to act in accordance with the Equalities Act 2010.

6.6 In terms of Equalities legislation, Gypsies and Travellers have a protected status that must be considered in all decisions made by Public Authorities. The Council needs to coherently apply the PPTS, as described above, which itself has been subject to Equality Impact Assessment (EqIA) by the Government. Specifically, the Council in the exercise of its statutory functions (in this case the determination of planning applications) has a clear duty to have due regard to particular needs and lifestyles when making decisions.

6.7 The Public Sector Equality Duty is set out at Section 149 of the Equalities Act 2010. It imposes a duty on all public authorities that they must, in the exercise of their functions, have due regard to the need to:

- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

6.8 This is a duty that applies to Local Planning Authorities, the Planning Inspectorate and the Secretary of State. The key point is that whilst the duty is not a lone justification to grant planning permission or to not take enforcement action, decision makers must have regard to it when considering Traveller cases.

6.9 For example, it is necessary for consideration to be given as to whether refusing planning permission (which could potentially mean that the applicants would have to resort to roadside encampments) would be an action which would "foster good relations" between the settled community and Travellers. This is a matter to which the Planning Committee must give due regard in the consideration of this case, and one that the Planning Inspectorate will have regard to in determining any subsequent appeal lodged in the event that planning permission is refused and enforcement action reinstated.

Impact on the Green Belt:

- 6.10 The site lies within the Metropolitan Green Belt where the NPPF affords strict control to development stating that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Policy CP3 of the TMBCS sets out that national Green Belt policy will apply.
- 6.11 Paragraph 88 of the NPPF states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
- 6.12 Policy E of the PPTS states that Traveller sites (temporary or permanent) in the Green Belt are inappropriate development; such development is harmful to the Green Belt and should not be approved except in very special circumstances. In July 2013, in a Ministerial Statement, the Secretary of State made clear he considered that the single issue of unmet need, whether for Traveller sites or for conventional housing, is unlikely to outweigh harm to the Green Belt, and other harm, such as to constitute the very special circumstances justifying inappropriate development in the Green Belt. A further written Ministerial Statement in January 2014 re-emphasised this point. Policy CP20 of the TMBCS also states that there is a presumption against Traveller sites in the Green Belt unless there are very special circumstances.
- 6.13 With the above considerations in mind, it is clear that the development constitutes inappropriate development, which is by definition harmful to the Green Belt thus requiring very special circumstances to exist which outweigh the degree of harm caused to the Green Belt.
- 6.14 Having established this, it is also necessary to consider whether the development causes any other harm, which includes any other harm to the Green Belt itself, along with any other harm that is relevant for planning purposes. In this respect, I would draw attention to the Inspector's previous decision, in which he stated:

"The land is open and development on the site is visually intrusive particularly from the bridge on Branbridges Road from where the open views into the countryside have been lost. The development appears as a piecemeal spread of the urban area into the Green Belt across a very clearly defined edge to the settlement.

It is a very clear encroachment into open countryside and is, therefore contrary to one of the five main purposes of designating land as Green Belt. As such it also reduces considerably the openness of the Green Belt at this point."

- 6.15 There has been a clear encroachment of development within the Green Belt in direct conflict with one of the purposes for including land within the Green Belt, as set out at paragraph 79 of the NPPF.

Impact on the countryside

- 6.16 Policy CP14 of the TMBCS restricts development within the countryside to certain types. The development to which this application relates does not fall within any of those listed by CP14 and the development is therefore contrary to this policy. A core principle of the Framework is that planning should recognise the intrinsic beauty and character of the countryside. Policy CP20 of the TMBCS requires consideration of the visual effect of the development on the character and appearance of its surroundings and rural amenity.
- 6.17 More generally, policies CP1 and CP24 of the TMBCS and policy SQ1 of the MDE DPD require all development to be well designed, of a high quality, appropriately respecting the site and its surroundings.
- 6.18 For the reasons quoted above, the previous Inspector also stated unequivocally that there was encroachment onto open countryside which was materially harmful to the character and appearance of the countryside. This remains the case to date.

Any other harm

- 6.19 Paragraph 13 of the 2015 PPTS states that local planning authorities should ensure that traveller sites are sustainable economically, socially and environmentally. LPAs should, therefore, ensure that their policies (inter alia) do not locate sites in areas at high risk of flooding, including functional floodplains, given the particular vulnerability of caravans. It therefore follows quite logically to say that the same should be said of individual planning decisions made by the LPA.
- 6.20 Returning the previous Inspector's decision, the following extracts are of particular note:

"I consider that the raising of a small part of the site makes no difference to the fact that it is on the functional flood plain in Zone 3b or, at best, in the High Probability Zone 3a. Caravans and mobile homes are considered to be one of the most vulnerable uses and should not be permitted in Zone 3 areas at all. Whilst the occupants could sign up to the EA Flood Warning service which is good in this particular area that is not a reason to allow development in a place that is high risk and where national advice states that uses of this nature should not be allowed."

"There would also be some minimal loss of floodwater storage capacity due to the raising of part of the site and this has an impact on adjoining occupiers whose land might be flooded as a result of the reduced storage capacity. The appellant was prepared to lower part of the land by about 250mm on the western part of his site"

which would more than compensate for the lost storage capacity but that would do nothing to overcome the other objections I have found on this issue. Taking all the above factors into account I conclude that the site is unsuitable for this use due to the flood risk.”

- 6.21 In more general terms, policy CP10 of the TMBCS requires that within the floodplain development should first seek to make use of areas at no or low risk to flooding before areas at higher risk.
- 6.22 The current planning application is accompanied by a Flood Risk Assessment dated April 2012. This report still categorises the site as flood Zone 3a, and the representations received from the EA state it is functional flood plain (Zone 3b). Notwithstanding this continued dispute, it is clear that the previous Inspector concluded that the site was unsuitable for the use due to flood risk no matter whether it is designated as Zone 3a or 3b.
- 6.23 In any case, the EA maintains its objections to the grant of a permanent permission here for reasons of flood risk, which are set out in detail at paragraphs 5.4 – 5.4.4 of this report.
- 6.24 Policy CP20 (d) of the TMBCS requires that sites can adequately be accessed by vehicles towing caravans and that there is safe pedestrian and cycle access to the site. More generally, policy SQ8 of the MDE DPD states that development proposals will only be permitted where they would not significantly harm highway safety and where the traffic generated by the development can adequately be served by the highway network. Kent Highways has raised no objections to this development on the grounds of highway safety. In this respect, regard must also be had to paragraph 32 of the NPPF which states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
- 6.25 Criterion (e) of policy CP20 requires that the site is reasonably accessible to shops, schools and other community facilities on foot, by cycle or public transport. Again, I have no overriding objections to the site for its continued use for this purpose on grounds of accessibility.

Other material considerations

Meeting need

- 6.26 In respect of need, regard must now be had to the most recent decisions of the Planning Inspectorate in the case of Woodford, Old Lane, Ightham and Alan's Hectare, Cemetery Lane, Hadlow. These decisions are important material planning considerations and must be given considerable weight in the assessment of this case, particularly as this made a number of key statements concerning the need for Traveller sites within the Borough that require detailed consideration.

- 6.27 The Inspectors identified that at the present time the Council is unable to demonstrate a supply of deliverable Traveller sites for the next five years. Therefore the strategy for meeting need in Policy CP20 is not considered to be up-to-date. As Members know, the Council is preparing a new Local Plan, which provides an opportunity to deliver additional pitches and to assess whether or not need is able to be accommodated within the constraints similar to those posed by the existing criteria based policies.
- 6.28 The main mechanism for delivery of sites is therefore through the new Local Plan. The plan led system is the means of achieving sustainable development in traveller site provision and PPTS provides a framework for plan-making. At this early stage of the plan making process there is no firm indication of the policy approach, and how and when pitches will be achieved but this is actively being pursued by Officers in the preparation of the Local Plan.

Personal Circumstances

- 6.29 At the time the application was submitted, it was understood that a single family resided on the site and that the applicants had four children of school age. Some information concerning medical and educational requirements of the children was provided within the supporting documentation.
- 6.30 As a matter of law, there is a requirement for decision makers to treat the best interests of any children affected by a decision to grant/refuse planning permission or to issue/uphold an enforcement notice as 'a primary consideration'. The requirement comes from Article 3(1) of the *UN Convention on the Rights of the Child* (UNCRC) and is considered by the European Court of Human Rights to be integral to the consideration of Article 8 rights in any case where a decision of a public body will affect children.
- 6.31 Insofar as planning decisions are concerned, the best interests of the children are discussed in the case of *Stevens v Guildford Borough Council* [2013] EWHC 792 (Admin) which related to stationing of the caravans on the site as a single family site. The Judgement acknowledges that the Courts have long recognised that town and country planning involves acute, complex and interrelated social, economic and environmental implications, requiring judgements of fact and degree. The *Stevens* Judgement states that once identified, although a primary consideration, the best interests of the child are not determinative of the planning issue. The Judgement recognises that most planning cases will have too many competing rights and interests, and will be too factually complex, to allow such an exercise.
- 6.32 However, it equally recognises that no other single consideration must be regarded as more important or given greater weight than the best interests of any child, merely by virtue of its inherent nature apart from the context of the individual case. Further, the best interests of any child must be kept at the forefront of the decision-maker's mind as he examines all material considerations and performs the exercise of planning judgment on the basis of them; and, when considering

any decision he might make (and, of course, the eventual decision he does make), he needs to assess whether the adverse impact of such a decision on the interests of the child is proportionate.

- 6.33 What is clear in these respects is that the children's best interests and the other factors weighted in favour of the grant of planning permission in any given case have the potential to be outweighed by the harm that could be caused by such a grant of permission; the key point being that those best interests are not necessarily determinative and could properly be found to be outweighed by the identified harm.
- 6.34 With the duty to consider the best interests of the children in mind, and bearing in mind the submissions made within the planning application but equally recognising that circumstances may well have changed since the time of the original submission, further information can be sought through an Equalities Statement to be conducted by Officers and, should any further details be forthcoming, they will be reported as a supplementary matter.

Very special circumstances

- 6.35 With the above assessment in mind, it is necessary to establish whether very special circumstances exist which outweigh the identified harm to an extent to justify the grant of planning permission. The NPPF states that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. This requirement sets a very high threshold.
- 6.36 Policy CP20 of the TMBCS provides a strong direction that the development of a Traveller site within the Green Belt will not be acceptable unless there are very special circumstances. The Government attaches great importance to Green Belts. A stated aim in PPTS is that plan-making and decision-taking should protect Green Belt land from inappropriate development. PPTS confirms a Traveller site is inappropriate development and should not be approved except in very special circumstances. It also states that personal circumstances and unmet need alone are unlikely to clearly outweigh harm to the Green Belt and any other harm so as to establish very special circumstances and that meeting a specific identified need should be achieved through the plan making process, not in respect to a planning application.
- 6.37 However, the Inspectors in the cases of 'Woodford' and 'Alan's Hectare', having had regard to this policy context, both identified that there is an unmet need for Traveller sites within the Borough.
- 6.38 Both Inspectors however concluded that the "need" considerations fell short of outweighing any permanent harm to the Green Belt and as such very special circumstances were not found to exist to justify the inappropriate development. In those cases, the development of the Traveller sites was found to be contrary to

Policy CP20 of the TMBCS, NPPF and PPTS. The stance taken based on Green Belt policy is that permanent planning permission should not be granted for the use of this application site as a caravan site. The Inspectors considered that to allow the respective sites permanently, without allowing an opportunity for the Council to complete the local plan process within the context of PPTS, would not represent a sustainable form of development.

Temporary planning permission

- 6.39 The key objections to the development are that it lies within the Green Belt and is inappropriate development; it causes material harm to openness and “other” harm to rural amenity more generally and in terms of the fact that the site lies within the functional floodplain. Members will appreciate that much of the Borough is covered by the Green Belt designation and the existing public Gypsy sites stand at full capacity and have a low turnover. Whilst the applicant has not submitted any evidence of searching for alternative sites including those outside the Green Belt (other than to provide brief statements as to why the two public sites within the Borough are not feasible options), it is generally accepted that suitable sites within rural or urban settlements are unlikely to be readily available at this time.
- 6.40 Given the level of harm caused by the development, and having full regard to the conclusions made by the Inspectors determining the recent appeals elsewhere in the Borough, I do not consider that a permanent planning permission is justifiable in these circumstances. However, temporary planning permissions were granted in both cases to ensure that the identified harm would not be permanent and in the meantime to allow the Borough Council time to progress the Local Plan and make allocations accordingly.
- 6.41 It therefore appears, on the basis of these very recent decisions by the Planning Inspectorate, that unless a site suffers from clear and overwhelming site specific problems it is likely that temporary planning permissions will be granted by the Planning Inspectorate even for sites in the Green Belt such as this.
- 6.42 With these factors in mind, and when considering the overarching aims of PPTS, it is necessary to consider whether a further temporary planning permission is the most appropriate way forward at this point in time in this particular case.
- 6.43 Members will be aware that, generally, guidance states that a temporary planning permission may be appropriate where it is expected that planning circumstances will change in a particular way at the end of the period. More specifically, PPTS emphasises the importance of positive planning to manage development and sets clear objectives to increase the number of authorised Traveller sites in appropriate locations to address under-provision and maintain an appropriate level of supply. It also states that if a local planning authority cannot demonstrate an up-to-date 5 year supply of deliverable sites, this should be a significant material consideration in any subsequent planning decision when considering applications for the grant of

temporary planning permission, albeit one of the exceptions cited in this regard is for proposals on land designated as Green Belt.

- 6.44 Alongside this, the NPPG makes clear in general terms that it will rarely be justifiable to grant a second temporary permission – further permissions should normally be granted permanently or refused if there is clear justification for doing so. There is no presumption that a temporary grant of planning permission should be granted permanently.
- 6.45 Notwithstanding these considerations, it is necessary to establish whether the level of harm identified in this case is such that it could not be accepted even on a temporary basis and even when having due regard to the issue of identified unmet need.
- 6.46 In this respect, given the identified flood risk here and the continued objections from the EA as a result, it is my conclusion that the level of harm is such that it could not be continually accepted on a further temporary basis. In revising the terms of the Enforcement Notice, the previous Inspector made that position abundantly clear and ample time has been afforded to the applicant in which to find an alternative site in a less vulnerable location.
- 6.47 In reaching this conclusion, I have also considered whether any planning conditions could reasonably be imposed that would limit the degree of harm arising in order to render the development acceptable in planning terms for a further temporary period of time (in accordance with the requirements of the PPTS). Planning conditions covering matters of occupation, use of the land, landscaping, boundary treatments and so on would all seek to mitigate further harm to the Green Belt, countryside and general amenity but would not ameliorate the harm identified in terms of flood risk in a way that would render it acceptable to remain on site for a further temporary period of time.
- 6.48 This is a matter of careful balance but in these particular circumstances, when having regard to the level of harm identified and the clear vulnerability of the site, I do not believe there is a reasoned justification for the grant of a further temporary planning permission for this development pending the progression of the Local Plan. In making this conclusion, I am mindful that there is an identified unmet need to be addressed
- 6.49 In light of the above considerations, on balance, I recommend as follows:

7. Recommendation:

7.1 Refuse planning permission for the following reasons:

Reasons

- 1 The site lies within the Metropolitan Green Belt where there is a strong presumption against permitting inappropriate development, as defined in paragraphs 89-91 of the National Planning Policy Framework 2012 and paragraph 16 of the Planning Policy for Traveller Sites 2015 and Policies CP3 and CP20 of the Tonbridge and Malling Borough Core Strategy 2007. The development constitutes inappropriate development which is harmful to the Green Belt by definition. Furthermore, the development by virtue of its specific nature, siting and scale causes material harm to the open function and character of the Metropolitan Green Belt and gives rise to an encroachment of built development into the countryside, contrary to the requirements of paragraph 79 of the National Planning Policy Framework 2012. There are no very special circumstances which outweigh the degree of harm caused to the Green Belt by inappropriateness and harm to openness. The development is therefore contrary to the requirements set out in Section 9 of the National Planning Policy Framework 2012, the Planning Policy for Travellers Sites 2015 and policies CP3 and CP20 of the Tonbridge and Malling Borough Core Strategy 2007.
 - 2 The development, by virtue of its nature, siting and scale, detracts from the character of the rural locality and causes harm to the rural amenity of the countryside and is therefore contrary to Policies CP14 and CP20 of the Tonbridge and Malling Borough Core Strategy 2007.
 - 3 The site lies within flood zone 3b, which is designated as functional floodplain and as having a very high probability of flooding where the risk to life and/or property from fluvial inundation would be unacceptable. The development is considered to be highly vulnerable to flooding and therefore unsuitable for this site and contrary to the requirements of paragraph 13 of the Planning Policy for Travellers Sites 2015 and policies CP10 and CP20 of the Tonbridge and Malling Borough Core Strategy 2007.
- 7.2 Enforcement Action concerning the continued non-compliance with the Enforcement Notice upheld by the Planning Inspector to be instigated

Contact: Emma Keefe