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**Ightham**

**1 June 2018**

**TM/18/01240/FL**

Wrotham, Ightham And  
Stansted

**Proposal:**

Section 73 application for the variation of conditions 1 (time limited and personal condition), 2 (restore site when temporary consent expires) and 4 (number of caravans) pursuant to planning permission TM/11/01444/FL (Variation of conditions 1 and 2 on TM/07/01238/FL: Change of use for stationing of two caravans for residential use, fencing and sheds for occupation by a single gypsy family)

**Location:**

Woodford Old Lane Ightham Sevenoaks Kent TN15 9AH

**Go to:**

[Recommendation](#)

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**1. Description:**

- 1.1 Temporary planning permission for the change of use of land to allow for residential occupation by a single family was granted at appeal under planning reference TM/11/01444/FL in July 2015.
- 1.2 Permission was granted on a temporary basis given the identified harm arising to the Green Belt as a result of the development, whilst recognising that appeal decisions around that time were making clear Inspectors were not satisfied that alternative sites for such use would become available in the short term for acceptable relocation.
- 1.3 This current application seeks the variation of a number of planning conditions imposed by the planning inspector at that time in order to allow for permanent residential occupation of the site. The conditions proposed to be varied, and the manner in which the variations are proposed, are summarised below:
- 1.4 Condition 1 allows for residential occupation of the site only for a period of seven years from 17 July 2011 (July 2018) and only by the applicants and their resident dependants. The variation sought in this respect is to allow for permanent residential occupation by this family but with the condition expanded to recognise the change in family circumstances to cite members of the family who are now adults within the limitations of the personal permission.
- 1.5 Condition 2 is linked to [1] above insofar that it requires restoration of the site to its former condition when the residential occupation of the site ceases. The submission indicates that this condition should be removed in the event that a permanent permission is granted.
- 1.6 Condition 4 of the planning permission states that no more than two caravans can be stationed on the site at any one time (of which no more than one can be a static caravan). The current application seeks to amend this to allow for a total of three

touring caravans, again in recognition of the changed circumstances of the family in occupation.

- 1.7 It is acknowledged that some time has elapsed since the submission of the current planning application and seeking to determine this application. It should however be made clear that this application was submitted in advance of the temporary period expiring. Determination has been held in abeyance pending the outcome of 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. The Court proceedings in particular became rather protracted because of the number of parties involved (including intervention from the Equalities and Human Rights Commission) and satellite issues which had to be resolved before the Courts could make a determination. Those matters are still, to some extent, outstanding but in light of much more recent decisions by the planning inspectorate (which form important material considerations) there is now no imperative to await further outcomes for the purposes of progressing this application.
- 1.8 The recent decisions of the planning inspectorate required careful review and consideration in light of site specific circumstances and this has now been completed.
- 1.9 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.

**3. The Site:**

- 3.1 The site lies within the Metropolitan Green Belt, outside any defined village settlement confines and within designated countryside.

**4. Planning History (relevant):**

TM/11/01444/FL	Refuse; Allowed on appeal	31 May 2012 24 July 2015
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Variation of conditions 1 and 2 on TM/07/01238/FL: Change of use for stationing of two caravans for residential use, fencing and sheds for occupation by a single gypsy family

**5. Consultees:**

- 5.1 PC: Objects

5.2 Private Reps – 10 letters of objection. Objections raised on the following (summarised) grounds:

- Site should be restored to its original condition as it is AONB;
- No changes in circumstance that justify continued occupation of the site;
- Old Lane is a single track lane and any increase in traffic would be dangerous;
- Applicant has had ample time to make alternative arrangements;
- Family have been absent from the site for long periods of time;
- Noise and disturbance from dogs barking;
- Preference for continued occupation of the site should not mean it is allowed.

**6. Determining Issues:**

6.1 Since the Council and Planning Inspector last considered the use of this site, the planning policy framework has moved on significantly with the publication of the NPPF, NPPG and PPTS, replacing PPG2 and Circular 01/2006: Planning for Gypsy and Traveller Caravan Sites respectively. Most recently, the NPPF has been revised (February 2019) and it is on this basis that the current application must now be assessed.

6.2 Notwithstanding this, the main issues in the consideration of this case continue to 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 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):*

6.3 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.

6.4 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.

6.5 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:*

- 6.6 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 Equality Act 2010.
- 6.7 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.

6.8 The Public Sector Equality Duty is set out at Section 149 of the Equality 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.

6.9 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.

6.10 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:*

6.11 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.

6.12 Paragraph 143 inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 144 goes on to state 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 resulting from the proposal, is clearly outweighed by other considerations.

- 6.13 Paragraphs 145 and 146 set out the exceptions to inappropriate development within the Green Belt, including at paragraph 146 (e) material changes in the use of land provided that they preserve its openness and do not conflict with the purposes of including land within it. It is this exception that requires consideration within the context of this application because the development in question amounts to a material change of use in the land rather than built or operational development.
- 6.14 Paragraph 134 sets out the five purposes of including land within the Green Belt as being:
- a) to check the unrestricted sprawl of large built-up areas;
  - b) to prevent neighbouring towns merging into one another;
  - c) to assist in safeguarding the countryside from encroachment;
  - d) to preserve the setting and special character of historic towns; and
  - e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 6.15 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, although this now is broadly out of date given the conflict that exists with the NPPF.
- 6.16 I am of the view that the development still constitutes inappropriate development within the Green Belt, given that the structures in situ to some degree materially affect openness in both visual and spatial terms, and represent a form of physical encroachment into the countryside. As such, very special circumstances are still required which outweigh the degree of harm caused to the Green Belt.
- 6.17 However, it is necessary to have regard to what the previous inspector said in respect of actual harm to the openness of the Green Belt given the particular characteristics of the development and the site circumstances, which is set out as follows:
- The development has encroached into the countryside and consequently conflicts with one of the purposes of the Green Belt. The extent of encroachment is limited, which reduces the amount of actual harm. There is no conflict with the other remaining four purposes of the Green Belt.*

*In summary, the primary source of harm is through the inappropriateness of the change of use of the land. The actual loss of openness and the encroachment increases that harm to a small degree.*

- 6.18 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, in terms of Green Belt impact, the structures on site are small in scale and extent and, whilst they have a presence within the Green Belt which in my view affects openness, this impact is very limited on the ground. This harm must as a matter of policy be given “great weight”, but whilst this limited physical impact is not – as a matter of law – capable of amounting to a very special circumstance outweighing the definitional harm identified it does however limit the degree of harm arising on the whole.

Impact on the countryside:

- 6.19 Policy CP14 of the TMBCS restricts development within the countryside to certain types. In the broadest of terms, the continued residential occupation of this site would not fall within any of the exceptions sited and as a result there is conflict with policy CP14.
- 6.20 Elsewhere across the Borough, with the restrictions set out in CP14 in mind, developments within the countryside (irrespective of whether they also lie within the Green Belt) have met with refusal of planning permission on grounds of principle i.e. they do not meet one of the types of development set out in the policy in the same way as identified in this application. However, I am mindful that recent appeal decisions indicate that Planning Inspectors are allowing appeals for development within the countryside on wider considerations involving locational characteristics, regardless of those restrictions. These appeal decisions are important material planning considerations and regard must be had to them in the assessment of this case. This means that we must carefully consider the site specific characteristics of any such schemes rather than immediately concluding that CP14 does not allow for such development to take place and issuing a blanket embargo against anything that does not strictly adhere to the restrictions contained within it. Effectively, for determining this planning application, policy CP14 must be considered to be out of date.
- 6.21 Notwithstanding this position, a core principle of the NPPF 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.
- 6.22 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.

6.23 In these respects, the determining inspector previously noted in particular:

*The site is tucked away off Old Lane, a narrow sunken land enclosed by hedgerows and earth banks. The layout of the caravan site responds to the physical features of the land. The mobile home and domestic spaces are on the lower part of the land and are effectively screened by boundary hedgerows and trees. The mobile home as a dwelling type is compatible with the diversity of building forms in the surrounding area.*

6.24 He goes on to state:

*The visual impact of the site is limited by the topography, well-established vegetation and the position of the site “off the beaten track”.*

*In conclusion, the development does not cause visual intrusion and detracts little from the character and appearance of the surrounding area. In this respect the development does not prejudice rural amenity.*

6.25 Whilst I note that this submission proposes the inclusion of additional touring caravans on the site, a suitably worded condition can control their siting to ensure it is visually appropriate.

6.26 For the reasons given above concerning the character and appearance of the site, I am satisfied that the requirements of the relevant policies are met and there would be no harm to the rural character or appearance of the countryside.

Residential amenity:

6.27 Crucially, there were no grounds to resist the development on grounds of impact to residential amenity at the time it was last considered and no such issues were found to be determinative by the inspector in granting a temporary planning permission in 2015. I do not consider that the introduction of additional touring caravans to serve the family would alter this position.

6.28 I do note that representations have indicated disturbance arising from barking dogs but this is not material to the consideration of this application. In such instances, complaints should be properly directed to the Environmental Protection Team to allow for separate investigations to take place as to whether a nuisance is occurring.

Other material considerations:

Meeting need:

6.29 The most recent inspector’s decision concerns a site known as “The Spinney”, Wrotham where permanent planning permission has been allowed on appeal. This site is also within the Green Belt. In respect of need, the determining inspector set out as follows:



*The Council is unable to demonstrate a 5 year supply of traveller sites as sought in paragraph 10 of Planning Policy for Traveller Sites, and the evidence is that the site would provide affordable housing for the appellant. There is emerging policy that seeks to address this matter, but Green Belt land may well be required, and the outcome of that process is some way off. This is a consideration of significant weight.*

*As set out in paragraph 24 of Planning Policy for Traveller Sites, subject to the best interests of the child, personal circumstances and unmet need are unlikely to clearly outweigh harm to the Green Belt and any other harm so as to establish very special circumstances. However, 'unlikely' should not be read to mean that these considerations will never clearly outweigh the harm, and any decision must take account of the actual weight afforded both the harm and the other considerations. A determination of weight is for the Decision taker.*

- 6.30 This, and other previous appeal decisions, indicate clearly that the correct 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 in this respect. The determining inspector in the case of The Spinney set out that:

*There is emerging Policy LP37 in the Tonbridge & Malling Local Plan which lists sites that are to be safeguarded for the provision of accommodation for travellers that meet the definition in Planning Policy for Traveller Sites, of which one, Orchard Place is agreed to be within the Green Belt, and redevelopment or expansion of those listed sites will only be permitted if all of 7 criteria are met. The Policy ends with the statement that development of sites will not be permitted in the Green Belt unless very special circumstances can be demonstrated and there is compliance with other policies in the Local Plan. Limited weight attaches to this emerging policy as it has not yet been examined.*

- 6.31 In a more recent appeal decision (Aylesford Lakes), issued after the submission of the Local Plan to the Planning Inspectorate, the Inspector there noted that the emerging plan was still (due to the number of unresolved objections) insufficiently advanced to be afforded more than limited weight.
- 6.32 In light of these observations it is clear that, for the current application, the issue of unmet need and supply of sites must be considered primarily in the context of the current supply situation as it stands, rather than seeking to rely upon the emerging policies to remedy the lack of supply in the future.
- 6.33 I note that representations reference that the applicants have not sought to find an alternative site during the temporary period allowed by the inspector. However, it was clear that the inspector granted a temporary permission in this instance to allow for the progression of the local plan, which on the evidence available at that time indicated likely adoption in 2017.

- 6.34 Furthermore, inspectors have repeatedly set out that the public site at Coldharbour cannot be relied upon to meet need and that small private sites such as this have a clear part to play in meeting identified need.
- 6.35 With these factors collectively in mind and given that this site contributes towards meeting an identified need for such accommodation within the Borough, this is capable of amounting to a very special circumstance outweighing the harm identified. Furthermore, whilst only limited weight can be attributed to draft policy LP37, it is worth noting that allowing for the limited expansion of this site to accommodate the family in fact properly aligns with the broad principles adopted in drafting that policy as a way of addressing the needs of the Borough.

*Personal Circumstances:*

- 6.36 Since the application was submitted, officers have conducted an Equalities Assessment to establish the particular circumstances of the family in occupation. This has confirmed that there are children of school age living on the site who attend local schools.
- 6.37 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.
- 6.38 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.
- 6.39 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.

6.40 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. In this case, my view is that the interests of the children residing on site would be best served in them remaining on site, in permanent accommodation, where they will have the greatest ability to access education and healthcare.

Very special circumstances:

6.41 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.

6.42 Notwithstanding this policy position, the most recent appeal decision (The Spinney) granted a permanent planning permission for a Traveller site within the Green Belt with the very special circumstances being unmet need and personal circumstances. This is reflective of all earlier decisions by the Planning Inspectorate too where inspectors have habitually granted temporary planning permissions with the justification in mind that the new local plan would positively allocate sites in order to meet the Borough's identified need for pitches (often described in their decision letters as being a lack of suitable alternative accommodation). They were, in effect, giving the Council time to forward plan for such need. The draft local plan policy (LP37) goes further than the current adopted policy (CP20) insofar that it seeks to safeguard existing authorised sites across the Borough but does not allocate new sites in order to meet our identified need as inspectors have continually anticipated it would in making their decisions to date.

6.43 This is important for us because the PPTS sets out that whilst matters of unmet need and personal circumstances are *unlikely* to outweigh harm to the Green Belt as to establish very special circumstances, there are cases where this will be the case. Indeed, in the absence of a policy which seeks to address unmet need, inspectors in every instance have concluded that the lack of available suitable alternative sites amounts to very special circumstances. The rationale behind this in every case being that the grant of temporary permissions would afford us time to satisfactorily meet our need through the local plan coming forward. The draft plan does not do this in a manner perhaps anticipated by those inspectors, notwithstanding the fact that there is a justification for this approach which will be for the examining inspector to address in due course. There remains an identified need (albeit relatively small) through our own evidence base and alternatives are not coming forward through the local plan process.

Temporary planning permission:

- 6.44 The applicant has set out that in the event a permanent permission is not forthcoming, they would ask for a further temporary permission for a period of 4 years.
- 6.45 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.
- 6.46 The planning practice guidance sets out that under section 72 of the Town and Country Planning Act 1990 the local planning authority may grant planning permission for a specified temporary period only. Circumstances where a temporary permission may be appropriate include where a trial run is needed in order to assess the effect of the development on the area or where it is expected that the planning circumstances will change in a particular way at the end of that period. The guidance makes clear 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.
- 6.47 In light of this guidance, and the preceding assessment that has taken place, I do not consider that it would be necessary or indeed justified to grant a further temporary planning permission in this instance. There are very special circumstances present which are supported by very recent and consistent approaches by the Planning Inspectorate that indicate a permanent permission should be granted here.

Conclusion:

- 6.48 I therefore conclude that these factors combined along with the best interests of the children living on the site is sufficient to amount to a case of very special circumstances outweighing the harm to the Green Belt by reason of inappropriateness. Permanent permission within the terms as set out by the submission, allowing for the additional named occupants and additional touring caravans (subject to approval of their precise location) should be granted. Rather than removing condition 2 as previously imposed, this should be varied to set out that in the event that residential occupation does cease for some reason in the future, the land would be restored to its former condition.
- 6.49 As such, the following recommendation is put forward:

**7. Recommendation:**

- 7.1 **Grant planning permission** in accordance with the following submitted details: Supporting Statement Redacted dated 23.08.2018, Location Plan dated 29.05.2018, Statement Renewal 2018 dated 29.05.2018, subject to the following conditions:

**Conditions:**

- 1 The residential use hereby permitted shall be carried on only by [REDACTED] and their resident dependants.  
  
Reason: In order to preserve the open function and nature of the Green Belt and in the interests of amenity.
- 2 In the event that the site ceases to be occupied by those named in Condition 1) above, the use hereby permitted shall cease and all caravans and associated buildings or structures brought on to the land, or works undertaken to it in connection with the use, shall be removed and the land restored to its condition before the development took place.  
  
Reason: In order to preserve the open function and nature of the Green Belt and in the interests of amenity.
- 3 No more than four caravans (of which no more than 1 shall be a static caravan) as defined by the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968, shall be stationed on the site at any one time and no further caravans shall be placed at any time anywhere within the site.  
  
Reason: In order to preserve the open function and nature of the Green Belt and in the interests of amenity.
- 4 Prior to the installation of any means of foul or surface water disposal system, a scheme shall be submitted to the Local Planning Authority for approval. The approved scheme shall be implemented within two months of the date of the approval.  
  
Reason: In order to prevent pollution of controlled waters.
- 5 No external lighting shall be erected within the site without the prior written approval of the Local Planning Authority.  
  
Reason: In the interests of rural and visual amenity
- 6 The existing screen hedging shown on the approved plan shall be retained at a minimum height of 2.5m.

Reason: Pursuant to Section 197 of the Town and Country Planning Act 1990 and to protect the appearance and character of the site and locality.

- 7 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any re-enactment thereof, no fences, walls, gates or other means of enclosure shall be erected within any part of the application site.

Reason: In order to preserve the open function and nature of the Green Belt and in the interests of amenity

- 8 Prior to the stationing of any more than one touring caravan on this site as hereby approved, details of the layout of the site detailing the siting of the caravans shall be submitted to and approved by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved details.

Reason: In order to preserve the open function and nature of the Green Belt and in the interests of amenity

Contact: Emma Keefe

**Ightham TM/18/01240/FL  
Wrotham, Ightham And Stansted**

**Section 73 application for the variation of conditions 1 (time limited and personal condition), 2 (restore site when temporary consent expires) and 4 (number of caravans) pursuant to planning permission TM/11/01444/FL (Variation of conditions 1 and 2 on TM/07/01238/FL: Change of use for stationing of two caravans for residential use, fencing and sheds for occupation by a single gypsy family) at Woodford Old Lane Ightham**

DPHEH: For the avoidance of any doubt, this application seeks a variation on the number of caravans to be stationed on the site from 2 to 3 (1no. static; 2no. tourers). Condition 3 erroneously cites a total of 4 caravans and should be amended accordingly.

Furthermore, Condition 2 as recommended is intended to ensure that in the event the applicants permanently cease occupation of the site, it is restored to its former condition. This does not include during periods where the applicants might be away travelling but rather if they cease to occupy permanently to ensure occupation is not taken up by another family. It is, therefore, intrinsically linked to Condition 1.

Members should be aware that this application relates to a material change of use of land, not building operations. The use in question does not benefit from any permitted development rights in the same way that dwellinghouses do. An Informative to that effect can be added to any grant of permission.

#### **AMENDED RECOMMENDATION**

##### **Amend Condition 3:**

**3. No more than three caravans (of which no more than 1 shall be a static caravan) as defined by the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968, shall be stationed on the site at any one time and no further caravans shall be placed at any time anywhere within the site.**

**Reason: In order to preserve the open function and nature of the Green Belt and in the interests of amenity.**

**Additional Informative 1:**

**1. The applicant is reminded that the use hereby approved does not afford any permitted development rights and that any built development or engineering operations in connection with the use would require planning permission from the Local Planning Authority.**