

Leybourne
Birling Leybourne And
Ryarsh

28 MAY 2025

TM/24/00366/PA

Location: Land Opposite The Paddocks, Birling Road, Leybourne, West Malling

Proposal: S73 Application for variation of conditions 3 and 4 submitted pursuant to Appeal ref APP/H2265/C/21/3280661 to allow for the siting of an additional 2 static caravans and 2 utility rooms within existing pitches.

Go to: [Recommendation](#)

1. Introduction

1.1 Members will recall that this application was reported to APC2 on 2 April 2025.

1.2 Following the debate, members voted to refuse the planning application on the following ground.

The proposal by reason of the introduction of two additional static caravans and two day units would result in an incongruous form of development would result in sprawl of the existing site which strongly contributes to Green Belt purposes Paragraph 143 a) NPPF (2024) as such would be inappropriate development for which no very special circumstances have been demonstrated to outweigh the harm caused by the inappropriateness.

1.3 Members were advised by the Director of Planning, that the ground, as set out above, cannot be substantiated, consequently the application was adjourned to allow for legal services to provide Committee Members with a report setting out the risks involved should the application be refused for the ground set out above.

1.4 This is in line with the Council's Constitution (CPR 15.15) which sets out, as follows:

"If, contrary to a recommendation of the Director of Planning, Housing & Environmental Health, an Area Planning Committee is minded to determine an application in a way or on grounds which the Director does not consider can be substantiated, the application shall stand adjourned to the next meeting of the committee to enable the Director of Central Services and Monitoring Officer to submit a report on the possibility of costs or compensation being awarded against the Council in the event that the application is determined in that way.

If the Director of Central Services and Monitoring Officer's report indicates that there is likely to be a significant risk of costs being awarded against the Council at any appeal, or a potential liability to pay compensation, the committee may not determine the application in a manner contrary to the advice set out in the report, and a

resolution by the committee to make such a determination will be a recommendation only and the application shall stand adjourned to Council for determination”.

- 1.5 The APC2 2 April 2025 committee report can be found at Appendix 1. The report of the Director of Central Services and Monitoring Officer is contained within Part 2 of the agenda. This report should be read in conjunction with both of those documents.

2. Determining Issues:

- 1.1 There have been no amendments or change to national or local plan policy since the application was adjourned, as such the description of development, history, consultee responses, third party comments together with the assessment of the application all remain as per the original officer's committee report.
- 1.2 This report seeks to clarify why Officers are of the opinion that the refusal reason cannot be substantiated.
- 1.3 As set out above the ground for refusal is as follows:

The proposal by reason of the introduction of two additional static caravans and two day units would result in an incongruous form of development would result in sprawl of the existing site which strongly contributes to Green Belt purposes Paragraph 143 a) NPPF (2024) as such would be inappropriate development for which no very special circumstances have been demonstrated to outweigh the harm caused by the inappropriateness. The development has been assessed against current national and local plan policies and members are directed to the committee report which sets out the correct procedure when assessing sites in the Green Belt.

- 1.4 Therefore, the main issues to review are:

- Does the development result in an incongruous form of development;
- Does the development result in 'Sprawl';
- Is the site within a 'large built-up area'; and
- Does the site 'Strongly' contribute to Green Belt purposes.

Does the development result in an incongruous form of development:

- 1.5 To be incongruous the proposal would need to be out of keeping or incompatible with the surrounding area.
- 1.6 In this case, the proposal seeks to vary the conditions 3 and 4 to allow two additional static caravans and two day units within the existing compound.

- 1.7 The existing compound comprises static caravans and day units, as such Officers are of the opinion that the proposal would not be 'incongruous' and would in fact be in keeping with the existing development.

Does the development result in Sprawl.

- 1.8 Paragraph 143 of the NPPF relates to the five purposes of the Green Belt, for clarification these are:
- 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.
- 1.9 Criterion a) which is referred to in the ground for refusal relates in part to unrestricted sprawl.
- 1.10 The proposal is for two additional static caravans and associated day rooms, these are proposed to be located within the existing defined and approved compound area. As such it is Officers' opinion is that the caravans and day rooms could not result in 'sprawl' as they do not encroach further into the Green Belt from that which has already been approved, albeit temporary.

Is the site within a large built-up area.

- 1.11 Criterion a) Paragraph 143 is clear that it relates to 'large built-up areas' only.
- 1.12 In February 2025 the Government published new Planning Policy Guidance (PPG), which sought to clarify in more detail areas around the concept of 'Grey Belt' land within the Green Belt, which was introduced within the December 2024 NPPF update (and referred to in the original committee report).
- 1.13 PPG Paragraph: 006 Reference ID: 64-006-20250225 states "When making judgements as to whether land is grey belt, authorities should consider the contribution that assessment areas make to Green Belt purposes a, b, and d. Considerations for informing these judgements are set out below":
- 1.14 In regard to purpose A – to check the unrestricted sprawl of large built-up areas. The PPG is clear that "Villages should not be considered large built-up areas".

1.15 While Leybourne is considered an urban area within the Core Strategy for the purposes of Policy CP11, officers cannot reasonably argue that it would be considered a “large built-up area” in the context of the National Planning Policy Framework (NPPF) or the Planning Practice Guidance (PPG) on the Green Belt. Although the NPPF does not provide a specific definition for villages, Leybourne's scale, location, and range of facilities more closely align with the characteristics typically associated with a village. Therefore Paragraph 143 a) does not apply and cannot be applied in this instance to the site.

Does the site ‘Strongly’ contribute to Green Belt purposes.

1.16 Turning next to whether the site ‘strongly’ contributes to Green Belt purposes. PPG provides guidance on this matter.

1.17 It states for a site to ‘strongly’ contribute to the Green Belt under PPG.

“Assessment areas that contribute strongly are likely to be free of existing development and lack physical feature(s) in reasonable proximity that could restrict and contain development.

They are also likely to include all of the following features:

- be adjacent or near to a large built-up area
- if developed, result in an incongruous pattern of development (such as an extended “finger” of development into the Green Belt)”

1.18 It has already been established that the site is not adjacent to or near a large built-up area. It has also been established that the addition of two static caravans and two utility rooms would not result in an incongruous pattern of development which would extend the finger of development further into the Green Belt.

Conclusion

1.19 For the reason as set out above, Officers are of the opinion that the grounds for refusal are unsubstantiated and undefendable at appeal.

2. Recommendation: Approve subject to those conditions set out in the original committee report. (see Appendix 1).

Contact: Susan Field