

Location: Alans Hectare, Cemetery Lane, Hadlow Tonbridge TN11 0LT

Proposal: Change of use of land to a travellers caravan site consisting of 6 additional residential caravan plots to rear of existing site.

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1. Description of Proposal:

- 1.1 This application seeks to change the use of the land to provide six additional gypsy traveller pitches.
- 1.2 Each pitch would comprise a static mobile home, day room, touring caravan together with associated hardstanding, landscaping and two parking spaces.
- 1.3 The access would be via the existing access from Cemetery Lane.

2. Reason for reporting to Committee:

- 2.1 The application is presented to committee at the request of Councillor Lark stating that this site has been the subject of expansion in the past and is the subject of many appeals. However, under application ref: 21/01718 the Inspector clearly conditions that there should be no more development on site and it should remain as open pastureland. The entrance to the site on Cemetery Lane is near to the junction with the A26 and the increased traffic will potentially cause problems. The impact on the Green Belt is also not to be overlooked particularly as the Hadlow Cemetery is not far away and the outlook would be spoiled by the erection of further caravans and buildings.

3. The Site:

- 3.1 The site comprises a parcel of land (0.5 hectares) on the southern side of Cemetery Lane, located outside of the Rural Service Centre of Hadlow within the Metropolitan Green Belt. The site is currently divided into two areas of pasture land used in connection with the two permanent gypsy traveller pitches shown in blue on site location plan drawing no.TDA.2973.01.
- 3.2 Access to the site is via an existing access which currently serves the existing two pitches and the adjacent site (also a travellers site) known as Springfield Place.
- 3.3 Public Footpath MT125 runs along the southern boundary connecting the southern eastern side of Cemetery Road with Maidstone Road to the west.

3.4 The site lies within flood zone 1, and also within an archaeological Notification Area.

4. Planning History (relevant):

4.1 Temporary planning permission (14/02816/FL) was granted on appeal in June 2016 (APP/H2265/W/15/3033682) for the change of use of the site to a private gypsy and traveller caravan site consisting of 2no. Condition 2 stated “*The use hereby permitted shall be for a limited period being the period of five years from the date of this decision, or the period during which the premises are occupied by them, whichever is the shorter*”.

4.2 In 2021 also at appeal, planning permission was granted to vary condition 2 and allow the 2 pitches to become permanent subject to conditions.

4.3 The conditions imposed on that appeal have been subsequently discharged (see below).

23/03538 - Approved - 11 June 2025

Details of Condition 6 (Drainage, refuse storage, external lighting, landscaping and access) submitted pursuant to planning permission TM/21/01718/FL (Variation of condition 2 (limited period of time) pursuant to planning permission TM/14/02816/FL (Change of use of land to a private gypsy and traveller caravan site consisting of 2no. pitches))

21/01718/FL - Refuse – Allowed on appeal 20 September 2023

Variation of condition 2 (limited period of time) pursuant to planning permission TM/14/02816/FL (Change of use of land to a private gypsy and traveller caravan site consisting of 2no. pitches)

17/01533/FL - Approved - 29 September 2017

Erection of 2no stables each comprising of 2 stables, 1 haystore and 1 tack room

16/02840/RD - Approved - 02 May 2017

Details of (a) foul and surface water drainage of the site; (b) facilities for the storage and collection of refuse/waste; (c) details of external lighting; (d) timetable for implementing the proposed landscaping and arrangements for replacement of damaged/diseased plants; and (e) details of the proposed access into the site, including materials and sightlines; submitted pursuant to condition 9 of planning permission TM/14/02816/FL (Appeal Ref: AAP/H2265/W/15/3033682)

14/02816/FL - Non-determination Appeal – Allowed 24 June 2016

Change of use of land to a private gypsy and traveller caravan site consisting of 2no. pitches

5. Consultees:

5.1 Whilst some comments have been summarised for the purpose of this report, all statutory comments have been reviewed in full. Moreover, whilst not all comments have been specifically referred to within the assessment, all comments have been taking into consideration prior to the determination of the application.

5.2 Hadlow Parish Council: Strongly objects to application and would like to refer you to:

Appeal Ref: APP/H2265/W/23/3316969 and the following conditions:

Condition 3 - No more than two caravans, as defined by the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968, shall be stationed on each pitch at any one time, of which no more than one shall be a static caravan, and no further caravans shall be placed at any time anywhere within the application site.”

Condition 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 other than in accordance with the details shown on the approved drawings.

We request that TMBC Enforcement confirm that the conditions have been met and in particular those relating to fencing

5.3 Environmental Health Protection: No comments to make on the application.

5.4 Kent Highway Services: The development proposal does not meet the criteria to warrant involvement from the Highway Authority in accordance with the current consultation protocol arrangements.

5.5 KCC Ecology: No objection subject to conditions

5.6 West Kent PROW: Public Right of Way MT125 runs to the south of the proposed site and should remain unaffected by the application.

5.7 Interested Parties: No comments received.

6. Determining Issues:

Policy Guidance

6.1 Under the provisions of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the Local Planning Authority is required to determine planning applications and other similar submissions in accordance with the Development Plan in force unless material considerations indicate otherwise.

- 6.2 The Development Plan currently in force for this area comprises the Tonbridge and Malling Local Development Framework Core Strategy (TMBCS) adopted in September 2007, the saved policies of the Tonbridge and Malling Borough Local Plan 1998 (TMBLP), Development Land Allocations DPD (DLA DPD) adopted in April 2008 and the Managing Development and the Environment DPD (MDE DPD) adopted April 2010.
- 6.3 The National Planning Policy Framework (“NPPF 2024”) the associated National Planning Practice Guidance (“PPG”) and National Design Guide are important material considerations.

Emerging Local Plan

- 6.4 The emerging Local Plan sets out how the Council will meet the government’s objectively assessed housing need requirement to deliver 19,746 new homes, 1097 per year. In addition, the emerging Local Plan (Emerging Policy SP4) also identifies the Council will need to provide an additional provision of 33 pitches for Gypsies and Travellers in accordance with the needs identified in the Gypsy and Traveller and Travelling Show-person Accommodation Assessment 2025 (GTAA).
- 6.5 The GTAA set out that there is an identified need for 33 additional Gypsy and Traveller pitches across Tonbridge and Malling, of this need, 12 pitches should be provided in the first five years of the Plan and 21 over the longer-term period (2030/31 to 2041/42). In regard to the immediate need, four pitches have recently been approved under reference 25/00944 leaving a remaining immediate need of 8 pitches.
- 6.6 Whilst the emerging Local Plan is at Regulation 18 stage and therefore carries limited weight, the evidence base in preparation for the emerging Local Plan and in this case the GTAA 2025 report is a material consideration in the determination of the application. The GTAA report provides clear evidence that there is a need for permanent Gypsy Traveller pitches within the Borough.
- 6.7 The site has been considered within the Green Belt Stage 1 and Stage 2 evidence base. The site falls within parcel HAD-07 and this is discussed further within the committee report.

Gypsy Traveller Status

- 6.8 The application relates to an existing gypsy/traveller site. The definition of Gypsies and Travellers is set out in Annexe 1 PPTS (December 2024) as follows:

“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, and all other persons with a cultural tradition of nomadism or of living in a caravan, but

excluding members of an organised group of travelling show-people or circus people travelling together as such”.

- 6.9 If permission is to be granted then a condition is recommended restricting the use of the site to those only of gypsy traveller status.

Principle of Development

- 6.10 As Members are aware, the Council cannot demonstrate a 5 year supply of Gypsy and Traveller sites against its objectively assessed need. The GTAA 2025 report provides clear evidence that there is a need for 33 permanent Gypsy Traveller pitches within the Borough over the Plan period.

- 6.11 Applying the presumption in favour of sustainable development as set out at paragraph 11 of the NPPF (2024) in the context of decision taking means:

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well designed places and providing affordable homes, individually or in combination.

- 6.12 In relation to Paragraph 11d (i) Footnote 7 (NPPF) provides a list of those policies that relate to protected areas and assets of particular importance, including land within the Green Belt, in which the application site lies. Therefore, it must first be established whether the policies in this Framework that protect areas or assets of particular importance provide a ‘strong’ reason for refusing the development.

Green Belt.

- 6.13 As noted above the site lies within the Metropolitan Green Belt, wherein Policy CP3 of the Core Strategy states that the Council will apply National Green Belt Policy. Paragraphs 153 – 160 of the NPPF relate specifically to the determination of proposals that affect the Green Belt.

- 6.14 Paragraph 153 of the NPPF requires local planning authorities, when considering applications, to ensure that substantial weight is given to any harm to the Green Belt, including harm to its openness. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Very special circumstances will not exist unless potential harm to the Green Belt by

reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

- 6.15 Paragraph 154 of the NPPF states that development in the Green Belt is inappropriate unless one of the listed exceptions (a to h) applies. In this case, the propose would not fall within any of the exception listed under paragraph 154 NPPF.
- 6.16 TMBC Core Strategy Policy CP20 includes a presumption against the development of gypsy and traveller accommodation in the Green Belt unless there are very special circumstances. However, Policy E of the Planning Policy for Traveller Sites (PPTS) considers Traveller sites in the Green Belt to be inappropriate development unless the exceptions set out in the Framework apply. Policy CP20 is therefore inconsistent with national policy, and paragraph 232 of the Framework requires due weight be given to development plan policies according to their degree of consistency with the Framework and PPTS.
- 6.17 However, as members are aware in December 2024, the updated the NPPF introduced the concept of Grey Belt. Grey Belt is now a material consideration and an assessment to establish if the site would be Grey Belt must be undertaken.

Grey Belt

- 6.18 Paragraph 155 states that the development of homes, (and caravans in this case, as noted above would relate to homes) commercial and other development in the Green Belt should also not be regarded as inappropriate where:
- a) The development would utilise 'grey belt' land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan;
 - b) There is a demonstrable unmet need for the type of development proposed;
 - c) The development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of this Framework; and
 - d. Where applicable the development proposed meets the 'Golden Rules' requirements set out in paragraphs 156-157.
- 6.19 Planning Practice Guide (PPG) explains that where Grey Belt land is not identified in an existing Local Plan or Green Belt assessments, it is expected that authorities should consider evidence and the illustrative features that are likely to indicate that a site or area 'strongly' contributes to the relevant Green Belt purposes [Paragraph 009 Reference ID: 64-009-2025022].
- 6.20 Turning first to criterion a) (para. 155) the NPPF at Annex 2 provides a definition for Grey Belt: this sets out that for the purposes of plan-making and decision-making, 'grey belt' is defined as:

“Land in the Green Belt comprising previously developed land and/or any other land that, in either case, does not strongly contribute to any of purposes (a), (b), or (d) in Paragraph 143. ‘Grey belt’ excludes land where the application of the policies relating to the areas or assets in footnote 7 (other than Green Belt) would provide a strong reason for refusing or restricting development”

- 6.21 Therefore, the Grey Belt definition is clear, that a site does not need to be previously developed land to constitute Grey Belt. Any other land in the Green Belt has potential, under the changes to the NPPF, to constitute Grey Belt land providing policies relating to the areas or assets in footnote 7 (other than Green Belt) would provide a ‘strong’ reason for refusing or restricting development (Officers emphasis added).
- 6.22 The site is not located in any of the other assets referred to in footnote 7. Therefore, the next test is to establish if the parcel of land ‘strongly’ contributes to the Green Belt under purposes a), b), or d) as set out in Paragraph 143 (NPPF). These are:
- a) To check the unrestricted sprawl of large built-up areas.
 - b) To prevent neighbouring towns merging into one another
 - d) To preserve the setting and special character of historic towns
- 6.23 In relation to purpose a) this relates to the sprawl of large built-up areas. The PPG is very clear that ‘villages’ should not be considered large built-up areas. Hadlow is considered to be a village, as such the proposal would not result in the sprawl of a large built-up area.
- 6.24 Turning next to purpose b) - To prevent neighbouring towns merging into one another, again PPG is clear that this purpose relates to merging of towns and not villages. Therefore, the proposal would not result in neighbouring towns merging into one another.
- 6.25 Lastly purpose d) - To preserve the setting and special character of historic towns. Hadlow is not an historic town and as with purpose a) and b) the PPG states *“This purpose relates to historic towns, not villages. Where there are no historic towns in the Plan area, it may not be necessary to provide detailed assessments against this purpose”*.
- 6.26 Therefore, to conclude on Para 155 criteria a), Officers are of the opinion that the site does not ‘strongly’ contribute to the 3 purposes of the Green Belt as set out above, as such the site would qualify as ‘Grey Belt’ land. This is confirmed by PPG which states *“After consideration of the above criteria, any assessment area that is not judged to strongly contribute to any one of purposes a, b, or d can be identified as grey belt land, subject to the exclusion of land where the application of the policies relating to the areas or assets in footnote 7 to the NPPF (other than Green Belt)*

would provide a strong reason for refusing or restricting development". [Paragraph: 007 Reference ID: 64-007-20250225].

- 6.27 Turning next to Criterion b) – There is a demonstrable unmet need for the type of development proposed. The Council cannot demonstrate a five year supply of deliverable Gypsy and Traveller site as confirmed within TMBC Gypsies, Travellers and Travelling Show-people Position Statement December 2024 and the GTAA report 2025. Therefore, there is a demonstrable unmet need for the type of development proposed. For clarity footnote 56 (NPPF) confirms in the case of traveller sites – means the lack of a five year supply of deliverable traveller sites assessed in line with Planning Policy for Traveller sites.
- 6.28 In regard to c), this requires development to be in a sustainable location. Footnote 57 also notes in the case of development involving the provision of traveller sites, particular reference should be made to Planning Policy for Traveller sites paragraph 13. Paragraph 13 (PPTS) notes:
- “Local planning authorities should ensure that traveller sites are sustainable economically, socially and environmentally. Local planning authorities should, therefore, ensure that their policies:*
- a) promote peaceful and integrated co-existence between the site and the local community;*
 - b) promote, in collaboration with commissioners of health services, access to appropriate health services;*
 - c) ensure that children can attend school on a regular basis;*
 - d) provide a settled base that reduces both the need for long-distance travelling and possible environmental damage caused by unauthorised encampment;*
 - e) provide for proper consideration of the effect of local environmental quality (such as noise and air quality) on the health and well-being of any travellers that may locate there or on others as a result of new development;*
 - f) avoid placing undue pressure on local infrastructure and services;*
 - g) do not locate sites in areas at high risk of flooding, including functional floodplains, given the particular vulnerability of caravans; and*
 - h) reflect the extent to which traditional lifestyles (whereby some travellers live and work from the same location thereby omitting many travel to work journeys) can contribute to sustainability”.*
- 6.29 The site is not in open countryside that is away from existing settlements. The site is within easy walking distance to everyday facilities, including schools, shops and public transport.

6.30 Criterion d) is not applicable in this case as the proposal does not comprise ‘major’ development. Major development involves 10 or more dwellings or a site area (for housing) of 0.5 hectares.

6.31 Therefore, to conclude on paragraph 155 (NPPF) the site would constitute Grey Belt land and would meet all ‘relevant’ criteria as set out in paragraph 155 (NPPF) and as such would be regarded as appropriate development.

6.32 As stated above the site (which includes the adjacent site) has been considered within the Green Belt Stage 1 and Stage 2 evidence base for the emerging Local Plan (see table below). The evidence base clearly supports the conclusion that the site constitutes Grey Belt (Scale range 0 = weak to 5 = Strong).

Green Belt Purposes	Parcel HAD-07
a) To check unrestricted sprawl of large built up area	0
b) To prevent neighbouring towns merging into one another	0
c) To assist in safeguarding the countryside from encroachment	1
d) To preserve the setting and special character of historic towns	0
e) To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.	1
Overall NPPF	Weak
Provisional Grey Belt Identification	Yes

6.33 Where a development is not inappropriate in the Green Belt, as in this case, this does not itself remove the land from the Green Belt nor require development proposals to be approved per se. In accordance with section 38(6) of the Planning and Compulsory Purchase Act 2004, wider policies and considerations apply, including those in the area’s adopted Plan, and in the NPPF read as a whole [Paragraph: 010 Reference ID: 64-010-20250225 PPG].

6.34 It therefore follows that as appropriate development Paragraph 11 d (ii) is engaged and planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well designed places and providing affordable homes, individually or in combination.

Clarification on matters relating to Green Belt and Grey Belt.

6.35 Comments have been made relating to the previous appeal decision and the Planning Inspectorate’s comments within that decision in relation to Green Belt. Whilst these are noted, there has been a fundamental change to national planning

policy since the appeal decision was granted. This change in national policy is a material consideration. Therefore, officers when assessing the application must give greater weight to the updated NPPF over previous appeal decisions in relation to Green Belt.

- 6.36 Furthermore, whilst paragraph 153 (NPPF) states when considering any planning application. LPA's should ensure that substantial weight is given to any harm to the Green Belt, including harm to openness, however footnote 55 (NPPF) is clear that this weight is not afforded in the case of development on previously developed land or Grey Belt Land where development is not inappropriate.
- 6.37 Whilst the designation of Green Belt does not change as a result of the introduction of Grey Belt. The introduction of Grey Belt land is a material consideration and cannot be downplayed or ignore when LPA's are assessing planning applications.
- 6.38 As set in the Grey Belt assessment above, PPG explains that where Grey Belt land is not identified in an existing Local Plan or Green Belt assessments, it is expected that authorities should consider evidence and the illustrative features that are likely to indicate that a site or area 'strongly' contributes to the relevant Green Belt purposes (Paragraph 009 Reference ID: 64-009-2025022).

Countryside

- 6.39 The site lies outside the defined settlement confines of Hadlow within designated countryside. Core Strategy Policy CP14 relates to development within the countryside. It states in the countryside development will be restricted to, but not limited, to a) extensions to existing settlements in accordance with Policies CP11 or CP12, b) the one-for-one replacement, or appropriate extension, of an existing dwelling, or conversion of an existing building for residential use. The proposal does not fit within those categories listed in Core Strategy Policy CP14, however, this policy pre-dates the NPPF and is not considered to be consistent with the language of the NPPF and therefore diminished weight is afforded to the policy in this case

Gypsies/Travellers

- 6.40 Turing back to an assessment under Paragraph 11 d(ii). Although somewhat dated Policy CP20 of the TMBCS specifically relates to Gypsies, Travellers and Travelling Show-people. Part 1 refers to the Gypsy and Traveller Development Plan Document 2008 and the now defunct South East Plan, stating that first consideration will be given to the limited expansion of one or both of the publicly controlled sites in the Borough.
- 6.41 Part 2 sets out specific criteria against which applications for accommodation for gypsies and travellers are to be assessed, this being:
- a) there is an identified need that cannot reasonably be met on an existing or planned site;

- b) residential or rural amenity is not prejudiced as a result of visual intrusion, excessive noise, lighting, traffic generation or activity at unsocial hours;
- c) the site respects the scale of, and does not dominate, the nearest settled community;
- d) the site can adequately be accessed by vehicles towing caravans and there is safe pedestrian and cycle access to the site; and
- e) the site is reasonably accessible to shops, schools and other community facilities on foot, by cycle or public transport;

6.42 The policy concludes that there will be a presumption against the development of gypsy and traveller accommodation (including sites for travelling show-people) in the Green Belt unless there are very special circumstances. As stated above, this element of the policy no longer accords with the NPPF and Planning Policy for Traveller Sites (PPTS) 2024.

6.43 As already acknowledged the Council cannot demonstrate a 5 year supply of housing or pitches for gypsies and travellers so there is a clear identified need and thus the proposal meets criterion a) of policy CP20.

6.44 In terms of residential or rural amenity, the proposal relates to land which is currently used in connection with two lawful gypsy traveller pitches and is also adjacent to (western side) a separate lawful Gypsy Traveller site. Whilst it is acknowledged that due to the increase in the number of pitches the use of the site would intensify, it is not considered that this would prejudice the neighbouring properties. The traffic generation would not be such that it would prejudice highway safety. Lighting can be controlled by condition as such the proposal would result in any significant increase in usage which would prejudice local residential and/or rural amenity as such the proposal would accord with criterion b).

6.45 The proposal is of a scale that would not dominate the nearest settled community or place undue pressure on local infrastructure, the proposal meets criterion c) of policy CP20.

6.46 With regard to traffic movement, it is also necessary to consider Policy SQ8 of the MDE DPD which states that development will only be permitted where there will be no significant harm to highway safety. In addition, paragraph 116 (NPPF) continues to state that development should only be refused on transport grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts of the development would be severe. The potential increase in traffic movement would not have a severe impact on highway safety. The existing access is some 42 metres from the junction of Cemetery Road and Maidstone Road with good visibility when entering or exiting the site. Consequently, the proposal meets criterion d) of policy CP20, in addition to the other relevant local and national planning policies.

6.47 The site can adequately be accessed by vehicles towing caravans as stated above the existing access has good visibility when entering and exiting the site and is sufficiently wide to accommodate vehicles towing caravans. Whilst there is no cycle access per se to the site, the site is within easy walking distance to shops, schools and other community facilities. It can therefore be concluded that the proposal meets criteria d) and e) of policy CP20.

Character and Appearance

6.48 In terms of policy context, Policy CP24 of the TMBCS requires development to be of a high quality and be well designed to respect the site and its surroundings in terms of its scale, layout, siting, character and appearance. Policy SQ1 of the MDEDPD advises that new development should protect, conserve and, where possible, enhance the character and local distinctiveness of the area including its setting in relation to the pattern of the settlement, roads and surrounding landscape.

6.49 These policies are broadly in conformity with those contained within the Framework which relate to quality of new developments, in particular paragraph 135 of the NPPF that requires proposals to be visually attractive as a result of good architecture, layout and appropriate and effective landscaping. Schemes should also be sympathetic to local character and history, including the surrounding built environment and landscape setting.

6.50 The caravans and dayrooms together with the pitch layouts are considered appropriate for their intended use. These would be viewed in the wider area within the context of the existing caravans and the adjacent gypsy traveller site to the west.

6.51 The application is accompanied by a detailed landscape drawing which demonstrates that each pitch would be enclosed by a 1.2 metre high post and rail timber fence with matching gates together with native hedge planting to the front of the fencing to the front and outer sides. The proposal also includes further planting areas all of which could be controlled by condition.

6.52 Concluding on character and appearance, it is considered that the proposal would result in an appropriately design scheme, that promotes sustainability and would fit in with the overall form and layout of its surroundings, in compliance with paragraph 135 (NPPF), Policy CP24 of the Tonbridge and Malling Borough Core Strategy and Policy SQ1 Managing Development and the Environment Development Plan.

Neighbour Amenity

6.53 Policy CP24 of the Tonbridge and Malling Borough Core Strategy requires that all development must be well designed and respect the site and its surroundings. It outlines that development by virtue of its design which would be detrimental to amenity will not be permitted.

6.54 Paragraph 135 (f) of the NPPF advises that:

“Planning policies and decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users”.

6.55 The nearest neighbours are those on the site itself (shown in blue) as well the existing gypsy traveller site to the western boundary as such it is considered that the proposal would not harm neighbour amenity and therefore accords with Policy CP24 of the Tonbridge and Malling Borough Core Strategy and the aims of the NPPF.

Access and Parking

6.56 Paragraph 115 of the NPPF states that, in assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that, inter alia, safe and suitable access to the site can be achieved for all users. Paragraph 116 adds that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

6.57 Policy SQ8 of the Managing Development and the Environment DPD states that development proposals should comply with the adopted parking standards and development proposals will only be permitted where they would not significantly harm highway safety.

6.58 As stated previously the existing access is to remain and there is sufficient space to accommodate off street parking for each pitch and for vehicles/touring caravans to turn within the site and exit in a forward gear.

6.59 KCC Highways were consulted on the proposal, however, the KCC response confirmed that the development proposal does not meet the criteria to warrant involvement from the Highway Authority in accordance with the current consultation protocol arrangements.

6.60 Moreover, the site is also not of a size to warrant or justify the need for a transport statement. Paragraph 116 (NPPF) is clear that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

6.61 It is therefore considered that the access and parking proposals comply with Core Strategy Policies CP2, Managing Development and the Environment DPD Policy SQ8 and the NPPF.

Ecology and Biodiversity.

6.62 Paragraph 187 of the NPPF advises planning decisions should contribute to and enhance the natural environment, including protecting and enhancing sites of biodiversity and minimising impacts on and providing net gains for biodiversity.

Paragraph 186 of the NPPF states if significant harm to biodiversity resulting from a development cannot be avoided through relocation, mitigation or compensated for, then planning permission should be refused, whilst opportunities to improve biodiversity in and around developments should be integrated as part of their design.

- 6.63 Policy NE2 Managing Development and the Environment Development Plan, outlines that the biodiversity of the Borough and in particular priority habitats, species and features, will be protected, conserved and enhanced.
- 6.64 Policy NE3 Managing Development and the Environment Development Plan also states development that would adversely affect biodiversity or the value of wildlife habitats across the Borough will only be permitted if appropriate mitigation and/or compensation measures are provided which would result in an overall enhancement. Proposals for development must make provision for the retention of the habitat and protection of its wildlife links. The Council will impose conditions, where necessary and appropriate, to minimise disturbance, protect and enhance a site's ecological conservation value, to ensure appropriate management and monitoring and creating new or replacement habitats of enhanced ecological value.
- 6.65 The application is accompanied by a Preliminary Ecological Appraisal (KB Ecology 26/9/25) BNG Metric, and Landscape Design Statement (TDA, Apr 25). These documents have been reviewed by KCC Ecology who confirm that sufficient ecological and biodiversity net gain information would be provided.
- 6.66 Turing first to ecology, the preliminary ecological appraisal (PEA) has considered protected species such as bats, badgers, breeding birds, dormouse, reptiles and amphibians. As the site is hardstanding and tightly grazed horse paddocks, with hedges and trees to the boundaries that will be retained, the survey has determined that no further surveys are required and that precautionary measures during clearance and construction will be sufficient. KCC Ecology agree with this conclusion and suggest a precautionary mitigation conditions.
- 6.67 Under the Environment Act 2021, it is now a national requirement that small scale developments must provide at least a 10% biodiversity net gain. This needs to be demonstrated via a biodiversity metric confirming the existing condition of the land and what enhancements will be provided to ensure there is an overall improvement of at least 10% across the site.
- 6.68 KCC Ecology has raised some concerns in regard to the BNG information submitted, noting *“the baseline habitats are correct but highlight that for strategic significance the species rich native hedgerow has strategic significance of ‘location ecologically desirable but not in local strategy’ as the LNRS has now been published the baseline should be listed as ‘area/compensation not in local strategy /no local strategy’.* This reduces the hedgerow baseline from 0.24 habitat units (HU) to 0.22 HU and changes the net gain from 54.23% to 59.65%, increasing the net gain for hedgerows”.

- 6.69 In addition, it is also noted the post development plans include areas of mixed scrub, tree, hedgerow planting and enhanced grassland. Modified grassland is also detailed which KCC Ecology consider is appropriate for areas that will be subject to recreational pressures, but this is detailed in the comments as 'gardens plus areas of hedgerow'. If habitats are within gardens KCC Ecology consider the urban 'vegetated garden' habitat should be used, however it is highlight that this change makes no difference to values or net gain achieved, as they are of the same value in this situation.
- 6.70 KCC Ecology consider that the minor amendments above can be provided in the finalised metric when the biodiversity gain plan is provided, if permission is approved. KCC Ecology are satisfied, due to the onsite significance and habitats proposed that this does not need local authority monitoring oversight. However, there is a need to ensure that the habitat is managed appropriately and therefore KCC Ecology has suggested several conditions to ensure the habitat is managed for the long term, as the submission of a management plan is not a requirement of the deemed condition.
- 6.71 Subject to the aforementioned conditions I am satisfied that the development would have a net positive effect on habitats and biodiversity in accordance with all relevant national and local planning policy in relation to ecology including Policies NE1-NE4 of the TMBC Core Strategy and the NPPF

Public Sector Equality Duty – Equality Act 2010

- 6.72 Section 149 of the Equality Act 2010 introduced the Public Sector Equality Duty (PSED), which came into force in April 2011. This duty requires public authorities, including the Council, to have due regard to the need to:

Eliminate unlawful discrimination, harassment, and victimisation;

Advance equality of opportunity between people who share a protected characteristic and those who do not; and

Foster good relations between people who share a protected characteristic and those who do not.

- 6.73 In the context of planning, equalities considerations are embedded throughout the planning process. This begins with the formulation and adoption of planning policies at the national, strategic, and local levels, including any supplementary planning guidance. These policies are subject to statutory processes that include assessments of their impacts on protected groups.
- 6.74 For individual development proposals, further consideration is given to the potential equality impacts where relevant. In this case, all relevant policies from the Tonbridge and Malling Development Plan and the National Planning Policy Framework (NPPF) have been considered in the assessment of the application. These policies have been subject to equality impact assessments during their adoption, in accordance

with the Equality Act 2010 and prior legislation and the Council's obligations under the PSED.

- 6.75 Accordingly, the adopted planning framework used in the assessment of this application is considered to reflect and support the needs of individuals with protected characteristics, as defined by the Equality Act 2010 and previous legislation. These characteristics include: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.
- 6.76 The Local Planning Authority can confirm that the application of local and national planning policies in the determination of this planning application has been carried out with due regard to the provisions of the Equality Act 2010.
- 6.77 Given the nature of the proposal, Officers have also had due regard to the need under the Public Sector Equalities Duty to (a) eliminate discrimination, harassment, victimisation and any other prohibited conduct (b) advance equality of opportunity between persons who share a relevant protected characteristic and do not share it and (c) foster good relations between persons who share a relevant protected characteristic.
- 6.78 In conclusion, it is considered that Tonbridge and Malling Borough Council has had due regard to its duties under Section 149 of the Equality Act 2010 in the assessment of this application and the recommendations set out in this report

Conclusion

- 6.79 The site would constitute Grey Belt land and would meet all 'relevant' criteria as set out in paragraph 155 (NPPF) and as such would be regarded as appropriate development.
- 6.80 It therefore follows that as appropriate development Paragraph 11 d (ii) is engaged and planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well designed places and providing affordable homes, individually or in combination.
- 6.81 As Grey Belt land there are no policies in the Framework that would provide a 'strong' reason for refusing the development proposed, moreover, no adverse impacts of doing so have been identified that would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 6.82 Therefore, the presumption in favour of development must apply in this case and consequently, the application is recommended for approval subject to conditions.

7. Recommendation: Approve subject to the following:

- 1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this decision.

Reason: In pursuance of Section 91 of the Town and Country Planning Act 1990

- 2) The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

Site Location Plan – Drawing no. TDA.2973.01

Existing Site Plan - Drawing no. TDA.2973.02

Proposed Site Plan and Outline Landscape Scheme - Drawing no. TDA.2973-03

Proposed Day Room (Plan & Elevation) - Drawing no. TDA.2973.01

Landscape Design Statement by TDA – Document ref: TDA/2973/RhC/04.25 (Rev A) dated April 2025 (Updated September 2025).

Habitat Baseline plan received 27 October 2025

BNG Metric received 27 October 2025

Preliminary Ecological Appraisal by KB Ecology - Document ref: 2025/04/27 dated 26 September 2025

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

- 3) No more than six mobile homes/ static caravans and six touring caravans as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968, shall be stationed on the site (shown on the red outline) at any time. The touring caravans on site which are not static caravans or mobile homes shall not be separately occupied.

Reason: To ensure the development does not harm the character and appearance of the area or visual amenity of the locality.

- 4) The caravans as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 as amended shall be sited in accordance with the Proposed Site Plan and Outline Landscape Scheme - Drawing no. TDA.2973-03

Reason: to ensure the development does not harm the character and appearance of the area or visual amenity of the locality.

- 5) 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 as defined in Planning Policy for Traveller Sites, 2024 (or any subsequent definition that supersedes that document).

Reason: To ensure the site provides accommodation for those who meet the definition of Gypsies and Travellers.

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

Reason: to ensure the development does not harm the character and appearance of the area or visual amenity of the locality.

- 7) Notwithstanding the provisions of Schedule 2, Part 2, Class A 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 gates, walls or fences or other means of enclosure including bunding, shall be erected on the site.

Reason: To enable the Local Planning Authority to regulate and control any such further development in the interests of amenity and privacy.

- 8) No additional external lighting shall be installed on the site until details have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the development does not harm the character and appearance of the area or visual amenity of the locality.

- 9) Within 3 months from the date of decision a scheme of landscaping and boundary treatment shall be submitted to and approved by the Local Planning Authority. All planting, seeding and turfing comprised in the approved scheme of landscaping shall be implemented during the first planting season following the date of this decision and thereafter maintained in accordance with the approved details. Any trees or shrubs removed, dying, being seriously damaged or diseased within five years of planting shall be replaced in the next planting season with trees or shrubs of similar size and species. Any boundary fences or walls or similar structures as may be approved shall be erected within 3 months of the approval of the details submitted to the Local Planning Authority.

Reason: In the interests of visual amenity.

- 10) From commencement of works (including site and vegetation clearance), to avoid impacts to protected and priority species, the following precautionary mitigation should be implemented:

1. Any hedgerow and trees to be retained, including its roots, will be protected from damage;

2. Protected species precautionary mitigation shall be implemented as detailed in Section 4, Preliminary Ecological Appraisal, KB Ecology, September 25, for the duration of construction.

Reason: In the interest of protected species.

11) The development shall not commence until a Habitat Management and Monitoring Plan (the HMMP), prepared in accordance with the approved Biodiversity Gain Plan, and based on the most up-to-date and/or relevant ecology surveys as determined by a suitably qualified ecologist, has been submitted to, and approved in writing by, the local planning authority. The Plan shall include:

a) a non-technical summary;

b) the roles and responsibilities of the people or organisation(s) delivering the HMMP;

c) the planned habitat retention, creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain Plan;

d) the management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development; and

e) the monitoring methodology and frequency in respect of the retained, created or enhanced habitat

The retained, created and/or enhanced habitat specified in the approved HMMP shall be implemented, managed, maintained and monitored in accordance with the approved HMMP.

Reason: To ensure the development delivers the required biodiversity net gain on site in accordance with local policy CP25 and Schedule 7A of the Town and Country Planning Act 1990.

12) The Biodiversity Gain Plan shall be prepared in accordance with the baseline information within the Biodiversity Net Gain Metric (with amendments as per KCC Comments Jan 26), dated 26th September 25, V3, for Alans Hectare, Cemetery Lane, Hadlow, Tonbridge, Kent, dated 10Th November 2025 and prepared by KB Ecology.

Reason: To ensure the proposals are in accordance with details submitted.

13) Prior to any works above slab level, a Biodiversity Enhancement Plan (BEP) shall be submitted to and approved in writing by the local planning authority. The Plan shall include full details of the biodiversity enhancements to be implemented on-site. The Plan shall be based on the details contained in the Landscape Design Statement, TDA, Apr 25 and shall include:

- A detailed, scaled soft landscaping plan, planting schedule (NB unless required as part of another condition)
- Provision of suitably placed bat and/or bird boxes, with the exact locations, make and model and height from ground level shown on scaled plans suitable for construction.
- The provision of log piles/artificial refugia for reptiles and amphibians.

The Plan shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason: To ensure the proposals are in accordance with details submitted

Informatives:

1. Under paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 (as amended) every planning permission granted for the development of land in England is deemed to have been granted subject to the condition “(the biodiversity gain condition)” that development may not begin unless:

- (i) a) Biodiversity Gain Plan has been submitted to the planning authority, and
b) the planning authority has approved the plan.

(ii) This permission will require the submission and approval of a Biodiversity Gain Plan before development is begun.

(iii) For guidance on the contents of the Biodiversity Gain Plan that must be submitted and agreed by the Council prior to the commencement of the consented development please see the Government Website: Submit a biodiversity gain plan (www.gov.uk).

If the onsite habitat includes irreplaceable habitat, the Biodiversity Gain Plan must include:

- Information about steps taken or to be taken to minimise any adverse effect of the development on the habitat.
- Information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat.

The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat are minimized and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits

2. Although it would not be possible at this stage under Environmental Health legislation to prohibit the disposal of waste by incineration, the use of bonfires could lead to justified complaints from local residents. The disposal of demolition waste by incineration is also contrary to Waste Management.
3. This permission does not purport to convey any legal right to undertake works or development on land outside the ownership of the applicant without the consent of the relevant landowners

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