

MC/25/0937

Date Received: 6 May 2025

Location: Two Acre Farm, Ropers Green Lane, High Halstow, Rochester

Proposal: Part retrospective application for change of use of land to facilitate the extension of existing Gypsy/Traveller site comprising of an additional 8 pitches.

Applicant Mr B Eastwood

Agent WS Planning & Architecture

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Ward: Hoo St Werburgh & High Halstow

Case Officer: Arron Nicholls

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Recommendation of Officers to the Planning Committee, to be considered and determined by the Planning Committee at a meeting to be held on 14 January 2026.

Recommendation - Approval with Conditions

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

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

Received 06 May 2025:

Dayroom plans and elevations (J005259-DD-04)

Received 20 November 2025:

Proposed site plan (J005259-DD-03 Rev A)

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

- 3 The site shall not be occupied by any persons other than gypsies and travellers as defined in Planning Policy for Traveller Sites December 2024 (or any subsequent definition that supersedes that document).

Reason: To ensure that the site remains available as a permanent site for the traveller community and does not become a residential site within the countryside.

- 4 No more than twelve caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 as amended, 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: To regulate and control any subsequent use of the premises in the interests of amenity in accordance with Policies BNE25, BNE32 and BNE33 of the Medway Local Plan 2003.

- 5 No vehicles over 3.5 tonnes shall be stationed, parked or stored on this site.

Reason: To ensure that the pitch remains predominantly for the permitted use and reduce the potential for commercial activity on site.

- 6 No commercial activities shall take place on the land, including the storage of materials.

Reason: To ensure that the pitch remains for the permitted use and to reduce the potential for commercial activity on site.

- 7 Within 12 months of the determination date, details in relation to the proposed planting of hedges and trees as shows in drawing number J005259-DD-03 Proposed site plan (Received 06 May 2025) shall be submitted to and approved in writing by the Local Planning Authority, and shall be planted within the first planting season following the completion of the development. Any trees or plants which within 5 years of planting are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species.

Reason: To ensure that the appearance of the development is satisfactory and without prejudice to conditions of visual amenity in the locality, in accordance with Policy BNE1 of the Medway Local Plan 2003.

- 8 No plot shall be occupied until a plan indicating the design and materials of the road surfacing treatment has been submitted to and approved in writing by the Local Planning Authority. The roadways shall be completed in accordance with the approved details before any plots are occupied and shall thereafter be retained.

Reason: To ensure that the appearance of the development is satisfactory and without prejudice to conditions of visual amenity in the locality, in accordance with Policy BNE1 of the Medway Local Plan 2003 and to manage surface water during and post construction and for the lifetime of the development as outlined at Paragraph 181 of NPPF.

For the reasons for this recommendation for Approval please see Planning Appraisal Section and Conclusions at the end of this report.

Proposal

The application seeks part-retrospective planning consent for the extension of the existing Two Acre Farm gypsy and travellers caravan site towards the rear, to facilitate the provision of an additional eight pitches that would accommodate 12 caravans and a day room.

The application site Two Acre Farm is located to the south east of Sharnal Street (A228). The site has been granted permission for use as a site for gypsy and traveller accommodation under planning reference (MC/17/2575 and MC/03/1253).

Site Area/Density

Overall Site

Site Area: 0.50 hectares (1.2 acres)

Site Density: 10.7 dph (4.3 dpa)

Relevant Planning History

MC/25/0938	Retrospective application for construction of a detached building for use as a dayroom. Decision: Approval with conditions Date: 07.08.2025
MC/17/2575	Retrospective application for the change of use of land to residential for an extended gypsy family and the subdivision of the plot into four pitches, with the stationing of one mobile/static home and one touring caravan on each pitch, and to include the erection of a stable, ancillary storage buildings and laying of hardstanding. Decision: Approval with conditions Date: 26.10.2017
MC/03/1253	Use of land for the siting of three residential caravans. Decision: Approval with conditions Date: 11/10/2004

Representations

The application has been advertised on site, in the press and by individual neighbour notification to the owners and occupiers of neighbouring properties. High Halstow Parish Council and Medway Fire Service have also been consulted.

2 letters of representation have been received raising concerns in relation to the following matters:

- Fire safety.

- Access arrangements including for refuse.

High Halstow Parish Council have written to object to the proposal on the following grounds:

- There are no provisions for waste disposal.
- There is no sewage or septic tanks.
- The road is too narrow to accommodate turning vehicles.
- There have already been lots of complaints about the eye sore of the piles of waste already dumped there.

Development Plan

The Development Plan for the area comprises the Medway Local Plan 2003 (the Local Plan). The policies referred to within this document and used in the processing of this application have been assessed against the National Planning Policy Framework (NPPF) December 2024 and are considered to conform.

The Planning Policy for Traveller Sites December 2024 (PPTS), Medway Council Gypsy and Traveller Accommodation Assessment, May 2018 (GTAA) and the Medway Landscape Character Assessment, 2011 (MCLA) are also relevant material considerations.

The Emerging Local Plan has been agreed by Full Council for Reg 19 publication, consultation and has now been submitted under Regulation 22 to the Planning Inspectorate for examination. The policies within this version of the emerging plan have weight in the determination of planning (and associated) applications. However, due to the nature of this proposal, the stage of the emerging Local Plan, the existence of relevant adopted Policies in the Medway Local Plan (2003) and guidance in the NPPF it is considered that the proposal falls to be considered with regard to the adopted policies and guidance in the NPPF.

Planning Appraisal

Background

This application site was subject to a planning application in 2003 for the siting of three caravans for use by gypsy and travellers, the application was refused but subsequently allowed at appeal. The site was subject to another application in 2004 to provide one additional pitch on site bringing the total to four. Since these decisions, the same family have resided on site and are the applicants.

Principle

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise.

Paragraph 63 of the NPPF supports the provision of housing for different groups and in terms of gypsies and travellers, refers to the Planning Policy for Traveller Sites in footnote 27.

In terms of Local Plan, Policy H13 covers gypsy caravan sites. This policy states that gypsy caravan sites and travelling show people's quarters will be permitted when:

- the site is close to essential local services, including shops, public transport, schools, medical and social services; and
- the site can be physically contained and adequately screened from surrounding land; and
- there is compliance with agricultural, landscape, nature conservation and countryside policies; and
- there is no adverse impact on nearby residential amenity or agricultural interests; and
- access arrangements are of a standard approved by the Highway Authority; and
- there is adequate provision of power, water and sewerage.

The development proposed is for specific gypsy and traveller accommodation. National Policy for Travellers states that the Council need to have established a 5-year supply of sites for accommodation.

Current provision

The development proposed is for specific gypsy and traveller accommodation. National Planning Policy for Traveller Sites (December 2024) states that councils need to have established a 5-year supply of sites for accommodation.

The Council published an up-to-date Gypsy and Traveller Accommodation Assessment dated May 2024. This assessment was published as part of the supporting documents within the Medway Local Plan Regulation 18 Consultation which closed in September 2024.

In 2023 a new GTAA identified a need for 78 pitches 2022-2040 (56 PPTs, 18 not meeting Planning Definition and 4 undetermined). The immediate need in the first 5 years 2022-2027 was for 49 pitches. The fieldwork was completed between July 2021 and March 2022. A revised study was published in 2024. This identified a total need for 56 pitches which is 22 fewer than in 2023. The reduction was due to the clearance of a large (unnamed) unauthorized site.

The Local Planning Authority (LPA) will be looking at an addendum for the next stage of the local plan this year to take account of the PPTS update in December 2024. But at its current stage it is recognised that there is a need to provide more permanent gypsy and traveller pitches.

Definition of Traveller

The National Planning Policy for Traveller Sites was updated in December 2024, including a revised definition of 'gypsies and travellers':

“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.”

This means that those who have permanently given up travelling are now again defined as 'travellers'. Through speaking to the agent the applicants are considered to fall within the definition of gypsy/travellers and are all part of the same family and wish to reside on the site together as a result. It is acknowledged that the family here currently have travelled and still travel frequently. As a result of this it is considered that they fall within the definition of traveller as set out in the PPTS 2024.

Paragraph 7 of the NPPF states *“The purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.”* Sustainability has 3 overarching objectives set out in paragraph 8 – economic, social and environmental. So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development (paragraph 11). Section B, paragraph 13 of PPTS further sets out that Local planning authorities should ensure that traveller sites are sustainable economically, socially and environmentally. This application is considered to comply with these policies.

Planning policy for traveller sites Section B, paragraph 13 sets out that Local Planning Authorities should ensure that traveller sites are sustainable economically, socially and environmentally. Historically gypsy tradition dictates that individuals will not use toilet and shower facilities within their own trailer. In order to meet basic human fundamental needs it is, therefore, essential that suitable facilities are provided for within the site. This application, therefore, meets the social aspect of sustainability. This need for communal facilities is also reflected in paragraphs 5.35-5.36 of the Government document “Designing Gypsy and Traveller Sites” and paragraph 8(b) of the NPPF.

Paragraphs 7.17-7.19 of Designing Gypsy and Traveller Sites sets out that *“It is essential for an amenity building to be provided on each pitch, although this can be provided across two pitches as two separate and entirely self-contained semi-detached units. The amenity building must include, as a minimum: hot and cold-water supply; electricity supply; a separate toilet and hand wash basin; a bath/shower room; a kitchen and dining area. The access to the toilet should be through a lobbied area or by separate access direct from the pitch. The amenity building must include secure storage space for harmful substances/ medicines; enclosed storage for food, brooms, washing, cleaning items etc; and space for connection of cooker, fridge/freezer and washing machine. The provision of a gas hob could be considered. The inclusion of a day/living room in the amenity building for family meals is recommended. The day/living room could be combined with the kitchen area to provide a kitchen/dining/lounge area. It is desirable that the day/living room*

should not be part of essential circulation space, nor contain essential storage. Many existing amenity buildings do not of course contain this facility but inclusion in new sites would replicate the provision of a living room as enjoyed as standard by other sectors of the community."

Paragraphs 97 and 98 of the NPPF set out that planning policies and decisions should aim to achieve healthy, inclusive and safe places and provide the social, recreational and cultural facilities and services the community needs.

The principle of siting caravans in this location is a further consideration beyond that of the users. The southern section of the site has been used by the applicants and their wider family as a permitted gypsy and traveller site for in excess of 20 years, whilst the area of this application has been used for horse paddocks and then storage by the applicants.

The site is accessed via the existing site from Parbrook Road of the A228 which is the main access route to Thames port and the Isle of Grain and, therefore, has a number of HGVs and heavy traffic running past. Although heavily trafficked at certain times of the day this site is considered to be a sensible place for traveller pitches as part of the wider site has already been granted for such a use.

In Policy terms, the site is considered to comply with the criteria of H13 in that it is relatively close to facilities in Lower Stoke (approx. 400m to the post office) considering that gypsy and traveller accommodation is typically found in rural areas and also is a physically contained area with no adverse impact to agricultural interests. This proposal is for the siting of 12 mobile homes along with parking and amenity areas, planting and screening which is proposed surrounding and within the site.

The site is not within the Green Belt or one of the other specially protected areas of countryside where the PPTS advises that gypsy sites are not appropriate. The proposal also follows the PPTS advice that Local Planning Authorities should very strictly limit new traveller site development in open countryside that is away from existing settlements.

I, therefore, conclude that the harm is slight, if any. Given the above, the siting of the caravans and dayrooms are considered to have minimal harm to the countryside and as such the principle of the development is considered to be acceptable.

Design and Landscaping

Policy BNE1 of the Local Plan states that the design of development should be appropriate in relation to the character, appearance and functioning of the built and natural environment and satisfactory in terms of scale, mass, proportion, details, and materials. Paragraphs 131 and 135 of the NPPF emphasises the importance of good design and Policy BNE1 of the Local Plan states that development should be satisfactory in terms of scale and mass and should respect the visual amenity of the surrounding area.

The main impact of the proposals to be considered is the visual impact and its appearance in the wider area. It is acknowledged that the existing site is suitably well screened with boundary fencing and planting around, what is now, an existing and well-established site. Additional planting and screening is proposed to be planted as part of this application and would replicate that of the existing site.

The submitted plans show the dayroom as being identical that of the one already constructed on the wider site (permitted under ref. MC/25/0938), which is considered as being moderate in size and constructed of materials considered to be in keeping with the surrounding built form. The plans demonstrate that the dayroom is accommodated on the site in such a way that there is sufficient spacing between the residential caravans located on site and has not result in the loss of any parking spaces.

Furthermore paragraph 5.37 of 'Designing Gypsy and Traveller Sites' sets out that 'The community building' should be situated in a location accessible to all the community. The building is sited in a central location which is visible from the road, however, it is considered to be acceptable when viewed against the backdrop of static and touring mobile homes, as set out above the building is considered necessary for the gypsy lifestyle.

It is considered that the layout and design of the proposals will allow for sufficient screening both from within and outside of the site. The layout proposed includes the planting of additional hedging and fencing around the boundary of the site and are considered to be acceptable, subject to condition to secure the submission of further details in relation to landscaping, and as such no objection is raised in relation to policies BNE1, BNE2 and H13 of the Local Plan and paragraphs 131 and 135 of the NPPF.

Amenity

Paragraph 135f of the NPPF states that achieving well-designed places should include creating a high standard of amenity for existing and future users. Policy BNE2 of the Local Plan expects all development to secure the amenities of its future occupants and protect those amenities enjoyed by neighbouring properties. The design of the development should have regard to privacy, daylight and sunlight, noise, vibration, light, heat, smell and airborne emissions and activity levels and traffic generation.

There are two main amenity considerations, firstly the impact of the proposed dwelling on neighbouring amenity and secondly the living conditions which would be created for the potential occupants of the development itself.

Neighbouring Amenity

The site is adjoined to the Northwest by residential properties. This includes Toilers Croft, Sandhurst Farm, Travellers Tan and Beachcroft. All of the above properties are accessed off Sharnal Street. There is also Bridgewater House, located on Parbrook Road. The nearest house (as the crow flies) is Bridgewater House and is approximately 100m away. The closest adjoining site is Travellers Tan and the

residential unit is some 140m away. It is considered that the distance from these properties is substantial and that the impact of this site on these neighbours is not significant.

Occupiers Amenity

The occupants have been living on site for over 20 years and are an established family unit. The additional static homes allow for larger family to live together as an immediate family network. This arrangement is one that appears to suit the current occupiers. With the formation of eight pitches, it is considered that should any/all of the family move elsewhere and a pitch is occupied by another gypsy/traveller family, the site would still allow for suitable amenity provisions for future occupiers. It is, therefore, considered that the amenity of current and future occupiers of these pitches is acceptable and provides adequate land for each pitch.

Overall, it is considered that, in principle, the relationship to neighbours will be acceptable and will not cause detrimental harm and, therefore, no objection is raised in regard to Policy BNE2 of the Local Plan and paragraph 135 of the NPPF.

Highways

Policy T1 of the Local Plan relates to the assessment of the highways impact of development and outlines the criteria of when development would be permitted. Policy T13 of the Local Plan provides guidance on vehicle parking standards. Paragraph 116 of the NPPF states that development should only be refused on highways grounds if there is an unacceptable impact on highways safety.

Access to the site remains unchanged from the current layout. The access is considered sufficient in terms of vehicular visibility splays and allows for safe access and egress from the site with sufficient turning space within the site.

In terms of parking the application proposed two car parking spaces two for each mobile home, which is considered to be acceptable and, therefore, no objection is raised with regard to Policy T1, T13 of the Local Plan and paragraph 116 of the NPPF.

Bird Mitigation

As the application site is within 6km of the North Kent Marshes SPA/Ramsar Sites, the proposed development is likely to have a significant effect, either alone or in combination, on the coastal North Kent Special Protection Areas (SPAs)/Ramsar sites from recreational disturbance on the over-wintering bird interest. Natural England has advised that an appropriate tariff of £337.49 per dwelling (excluding legal and monitoring officer's costs, which separately total £550) should be collected to fund strategic measures across the Thames, Medway and Swale Estuaries. This tariff should be collected for new dwellings, either as new builds or conversions (which includes HMOs and student accommodation).

These strategic SAMMS mitigation measures are being delivered through Bird Wise North Kent, which is the brand name of the North Kent Strategic Access

Management and Monitoring Scheme (SAMMS) Board, and the mitigation measures have been informed by the Category A measures identified in the Thames, Medway & Swale Estuaries Strategic Access Management and Monitoring Strategy (SAMM) produced by Footprint Ecology in July 2014. Further information regarding the work being undertaken is available at The Bird Wise website which can be found at <https://northkent.birdwise.org.uk/about/>.

The applicant has submitted a SAMMS Mitigation Contribution Agreement and payment and, therefore, no objection is, therefore, raised under Policies S6 and BNE35 of the Local Plan and paragraphs 193 and 194 of the NPPF.

A decision from the Court of Justice of the European Union detailed that mitigation measures cannot be taken into account when carrying out a screening assessment to decide whether a full 'appropriate assessment' is needed under the Habitats Directive. Given the need for the application to contribute to the North Kent SAMMS, there is a need for an appropriate

Biodiversity Net Gain

As of 2 April 2024 all sites were subject to Biodiversity Net Gain (BNG) as per the conditions of Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021).

Notwithstanding, de minimis exemptions wherein BNG does not need to be provided are set out in the Biodiversity Gain Requirements (Expeditions) Regulations 2024, confirming within subsection 4:

- a) The biodiversity gain planning condition does not apply in relation to planning permission for development which meets the first and second conditions.
- b) The first condition is that the development does not impact an onsite priority habitat. The second condition is that the development impacts:
 - less than 25 square meters of onsite habitat that has biodiversity value greater than zero; and
 - less than 5 metres in length of onsite linear habitat."

In this instance, the development is part-retrospective. Therefore, the application cannot comply with the pre-commencement condition of BNG set out in the legislation and, therefore, in this regard the requirement of a BNG statement is not relevant. However, there would be a landscaping condition attached, which would enhance habitat on the site as such no objection is raised to this with regard to paragraph 193 of the NPPF.

Conclusions and Reasons for Approval

There are no highways issues associated with this proposal and it is considered to comply with Policies T1 and T13 of the Local Plan. The proposed site is considered to be in a suitable location for a traveller family, located close to amenities but is also suitably distanced to allow for the occupants to maintain privacy. The current occupants are considered to comply with the definition of a traveller family.

Due to the fact that this site is in a suitable location and does not detrimentally cause harm to neighbouring residential properties it is considered that this site is suitable as a permanent site for travellers and no personal consent is required. This is subject to the imposition of conditions that will ensure that non-travelling occupants/families would be exempt, and conditions restricting the commercial activities from the site as well as the stationing of vehicles over 3.5 tonnes. The application is, therefore, considered to comply with the relevant Local Plan policies along with the National Planning Policy Framework and the National Planning Policy for Traveller sites.

The application would normally be determined under delegated powers but is being referred for Committee determination due to the Parish Council making a representation contrary to the officer recommendation and they have indicated that they would like the application to be determined by Planning Committee rather than officer delegation.

Background Papers

The relevant background papers relating to the individual applications comprise: the applications and all supporting documentation submitted therewith; and items identified in any Relevant History and Representations section within the report.

Any information referred to is available for inspection in the Planning Offices of Medway Council at Gun Wharf, Dock Road, Chatham ME4 4TR and here <http://publicaccess1.medway.gov.uk/online-applications/>