



Regeneration, Culture and Environment Overview and Scrutiny Committee

13 August 2026

Call-in: Provision for Gypsy and Traveller Accommodation

Report from: Adam Bryan, Director of Place

Author: Gillian James, Assistant Director, Culture and Community
Becs Wilcox, Chief Housing Officer
Dave Harris, Chief Planning Officer

Summary

This report advises the Committee of a notice of a call-in received from six Members of the Council regarding the Cabinet decisions made on 4 August 2026 on provision for Gypsy and Traveller accommodation.

1. Recommendation

1.1. The Committee is asked to consider the called-in Cabinet decisions (decision numbers **107/2026 and 109/2026**) and decide either to:

1.1.1. accept the Cabinet decisions and therefore take no further action **or**;

1.1.2. refer the decisions back to Cabinet for reconsideration, setting out the reasons for the referral back **or**;

1.1.3. refer the decisions to full Council for consideration.

2. Budget and policy framework

2.1. In accordance with Chapter 4, part 5, paragraph 15.3 of the Constitution with regard to decisions, Cabinet decisions 107/2026 and 109/2026 have been called-in to this Committee by six Members (from the Conservative Group) of the Council.

2.2. This item has been circulated separately to the main agenda. The Chairperson of the Committee is of the opinion that it should be considered at this meeting as a matter of urgency as permitted under section 100B of the Local Government Act 1972 to enable the Committee's consideration of the call-in at the earliest opportunity, taking into account the timing of the call in, which was received just prior to Agenda publication and facilitating this at a scheduled meeting of this Committee.

3. Background

- 3.1. The Cabinet considered a report (attached at Appendix 1) at its meeting held on 4 August 2026 which set out the proposed steps to address the needs for Gypsy and Traveller accommodation in Medway. The report stated that the submission version of the Medway Local Plan 2041 does not meet the full needs of the Gypsy and Traveller and Travelling Show People. Published correspondence between the Council and the inspectors, appointed to examine the Plan, sets out actions for the Council to identify a sufficient supply of land to meet needs.
- 3.2. The report stated that the Council has confirmed that it will carry out actions to seek to increase certainty on meeting the identified needs for this specialist accommodation through the Plan. This is critical to the timing and progress of the Local Plan.
- 3.3. The Council has reviewed land in its ownership to identify further capacity for Gypsy and Traveller accommodation. It is also held a 'Call for Sites' to identify if there is suitable land in other ownership.
- 3.4. As part of the review of Council owned land, the Cabinet report proposed options and recommendations for the future use of the former Park & Ride Car Park site in Maidstone Road, Wigmore (referred to in the report as the 'Wigmore Site').
- 3.5. The Cabinet report also included an exempt appendix (Exempt Appendix C to Appendix 1) which provided details of the financial appraisal and cash flow modelling undertaken noting that it is recognised nationally that the cost of developing Gypsy and Traveller sites is disproportionately high meaning they are financially challenged from the start.
- 3.6. An addendum report (Appendix 2) was also published as part of the Cabinet agenda, this provided additional recommendations and information relating to the outcome of the call for sites for Gypsy and Traveller and Travelling Showpeople.
- 3.5. Following consideration at its meeting on 4 August 2026, the Cabinet's decisions were as follows:

Provision for Gypsy and Traveller Accommodation

***Decision Decision:
number:***

The Cabinet noted the work that had been carried out to identify additional options for Gypsy and Traveller sites; to provide greater certainty that the Local Plan would meet needs.

107/2026 The Cabinet agreed to proceed with Option 3 for the future provision and use of the Wigmore Site as set out in section 5.8 of the report: to develop and improve the site

as a permanent Council managed Gypsy and Traveller site to provide a good quality, compliant site for 10 touring caravans over 8 pitches, with approval to explore the provision of a second phase in future years. The second phase would expand the site into adjacent land as set out in Appendix B to the report and provide an additional 6 pitches to meet increasing future need, subject to the budget addition below (Decision 108/2026), required to deliver the second phase.

108/2026 The Cabinet agreed to recommend to Council to add £2,684,000 to the Capital Programme (funded by prudential borrowing) to deliver the initial proposals set out in the recommended Option 3.

The Cabinet noted the outcome of the Call for Sites exercise and review of Council owned land in its consideration of the options for the former Wigmore Park and Ride site.

109/2026 The Cabinet agreed to support a proposed minor modification to the Local Plan policies map to clarify the existing and consented gypsy and traveller sites to be safeguarded in accordance with policy T10 in the submitted draft Medway Local Plan.

Reasons for decision:

The decisions in this report are required to ensure progress and adoption of the Local Plan and for the Council to meet the identified accommodation need for the provision of Gypsy and Traveller sites in Medway.

3.6. Decision numbers **107/206** and **109/2026** were subsequently called in by six Members of the Council from the Conservative Group. The reasons for the call in are as follows:

- 1. Lack of public consultation.**
- 2. Cost and capital requirement.**
- 3. Appropriateness of the land for allocation as a gypsy and traveller site.**
- 4. Political expediency around the proposals and consideration of other options.**

3.7. Please note that **only** Cabinet decisions can be called in. Therefore, decision no. 108/2026 is scheduled to be referred to full Council on 15 October 2026 for consideration. In addition, issues for noting only (these do not have a decision number) cannot be called in either.

4. Director of Place's response to the call-in

- 4.1 The site was the subject of a planning application for a change of use to Gypsy and Travellers site (reference MC/24/1038). That application was subject to public consultation in the usual way. The application was refused on 15 July 2024 but was the subject of an appeal to the Planning Inspectorate. As part of that appeal process, anyone who had made comments on the application would have been notified of the appeal and given the opportunity to make further comments. All comments received on the application itself would have been forwarded to the Inspectorate for consideration. The appeal was allowed on 28 May 2025 - see attached decision notice (Appendix 3). In planning terms, the site can continue to be used for Gypsy and Travellers in accordance with that decision. Notwithstanding the decision, the Council's proposal for the site would seek improvements to what has been allowed on appeal, and this would require the submission of a further planning application which again will be the subject of public consultation.
- 4.2 The costs and capital ask are indicative costs based on the initial designs (provided by HMY Architects) and the potential build and long term management and maintenance of the site. The site has been identified as a low void site due to the current occupants and general stability of local authority sites, which supports the income levels the site is expected to generate (approximately £1,300 per week, with annual increases in line with inflation, compared to the current £275 per week). The weekly charges will not include utilities as these will be charged directly to the occupants. Assumptions have been made on capital works based on current expenditure on Housing Revenue Account (HRA) properties and the existing Cuxton site. These costs will be reviewed and re-examined as the project progresses to ensure value for money. All avenues of grant funding are being considered, including Homes England, Social and Affordable Homes Programme (SAHP) and Brown Land Release Fund (BLRF), through the Government's One Public Estate. The Council has had a number of bids to both grants accepted with positive financial outcomes.
- 4.3 The site has planning permission for use as a Gypsy and Traveller site following an appeal decision (referred to above, MC/24/1038). In his decision, the Inspector made the comment in paragraph 14 that the Council has an identified need for 56 Gypsy and Traveller pitches but has no allocated sites. As such, the Council cannot demonstrate a five-year supply of deliverable sites and therefore paragraph 11(d) of the National Planning Policy Framework (NPPF) applies. That means that planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits. In paragraph 21, in conclusion to the section on character and appearance, the Inspector comments that "its use as a site for gypsy and/or travellers would cause no undue harm in character and appearance terms". In relation to living conditions, which related to occupiers due to proximity to the motorway, the Inspector concluded (para 26) that, subject to a condition, adequate living conditions could be secured. In para 32 the Inspector is clear that, in his view, the Council needs to identify sites in

the Local Plan rather than rely purely on expansion of existing sites and, in his view (para 33), the Wigmore site is suitable for gypsies and/or travellers on a permanent basis. Notwithstanding these clear conclusions, the Inspector also considered the personal circumstances of the families on site (para 34-38) and clearly states that even if he had found harm (which he did not) that he would still have allowed the appeal due to the personal circumstances of the families living there.

5. Monitoring Officer's and Section 151 Officer's response to the call-in

- 5.1. The report to Cabinet provides details of the decisions taken by the Cabinet and further details on the rationale.
- 5.2. The Council's policy framework is defined in paragraph 4.1a of Article 4 of the constitution. Unless and until Council approves the addition to the capital programme, this scheme cannot progress as the expenditure does not fall within the capital budget agreed by Council in February 2026. Furthermore, if the addition is agreed, funded from borrowing, then there will be implications for the Council's revenue budget, which would also fall outside the 2026/27 revenue budget agreed by Council and therefore Full Council would need to be requested to approve an addition to the revenue budget or the Director would need to be instructed to identify a suitable source of virement. These costs are estimated at around £150,000 per annum.

6. Options

- 6.1. The options open to this Committee in dealing with this call-in are to:
 - a) to consider the matter and accept the Cabinet decisions, or;
 - b) ask Cabinet to reconsider its decisions if Members have concerns about it/them (setting out in writing the nature of any concerns), or;
 - c) refer the matter to full Council for consideration.
- 6.2. In accordance with rule 15.8 of the Constitution, to avoid the possibility of very many emergency Council meetings, Overview and Scrutiny Committees should normally only use the power to refer a matter to the full Council if it considers either:
 - a) that the decisions are contrary to the policy framework (i.e. those policies and plans listed in Article 4.1 of Chapter 2 of the Constitution) or contrary or not wholly in accordance with the budget;
 - b) where a request for call-in is signed by six or more members representing at least two political groups.
- 6.3. If the Committee considers the Cabinet decisions are, or would be, contrary to the policy framework or not wholly in accordance with the Council's budget, then it must first carefully consider the advice from the Monitoring Officer

and/or Chief Operating Officer. If the officer advice is that the decisions taken by Cabinet are within the policy framework or budget, and this is accepted by the Committee, then a referral to full Council, on these grounds, would not be possible. As referred to in section 5 above, the Monitoring Officer and the Chief Operating Officer have confirmed that the decision(s) taken by Cabinet set out in paragraph 3 above are not contrary to the Council's budget or policy framework.

- 6.4. In the event of a referral to full Council for reasons relating to the budget or policy framework, Cabinet will then meet to consider the views of the Monitoring Officer and/or Chief Operating Officer, together with the views of the Overview and Scrutiny Committee. Having considered these views, Cabinet will decide what action to take and prepare a report for Council.
- 6.5. When the full Council meets following such a referral, it can decide:
 - a) that the Cabinet decisions falls within the existing budget and policy framework, in which case no further action is required, or;
 - b) to amend the Council's budget or relevant policy framework document to encompass the decisions, in which case the Cabinet decisions takes effect immediately and no further action is required, or;
 - c) to accept that the decisions are outside the policy framework or budget, in which case Cabinet must reconsider the matter taking into account the views of Full Council and take decisions which are in accordance with the advice of the Monitoring Officer/Chief Operating Officer and which comply with the budget and policy framework.
- 6.6. When the full Council meets following a referral on other grounds then it can decide:
 - a) to accept the Cabinet decisions and therefore take no further action (in which case the decision will become effective on the date of the full Council meeting) or;
 - b) refer the decisions back to Cabinet for reconsideration, setting out the reasons for the referral back.
7. Risk management
 - 7.1. Risk management is addressed in section 7 of the Cabinet report attached at Appendix 1.
8. Climate change implications
 - 8.1 The climate change implications in relation to the Cabinet decisions are set out at section 9 of the Cabinet report attached at Appendix 1.

9. Financial implications

- 9.1. The financial implications in relation to the Cabinet decisions are set out at section 10 of the Cabinet report attached at Appendix 1.

10. Legal implications

- 10.1. The legal implications in relation to the Cabinet decisions are set out at section 11 of the Cabinet report attached at Appendix 1.
- 10.2. In accordance with Chapter 4, part 5, paragraph 15.3 of the Constitution, six members of the Council may call in a decision for scrutiny by the relevant Overview and Scrutiny Committee. Call-ins must be dealt with in accordance with Rule 15 of the Overview and Scrutiny Rules and Rule 7 of the Budget and Policy Framework Rules, set out in the Constitution.

Lead officer contact

Gill James, Assistant Director Culture and Community

E-mail: gillian.james@medway.gov.uk

Rebecca Wilcox, Chief Housing Officer

E-mail: rebecca.wilcox@medway.gov.uk

Dave Harris, Chief Planning Officer

E-mail: dave.harris@medway.gov.uk

Appendices

Appendix 1 – Cabinet report and appendices 4 August 2026 (Exempt Appendix is attached as Appendix 4)

Appendix 2 – Cabinet addendum report 4 August 2026

Appendix 3 – The Planning Inspectorate Appeal Decision (hearing held on 28 May 2025)

Appendix 4 – Exempt Appendix C to Appendix 1 above

Background papers

None

Cabinet

4 August 2026

Provision for Gypsy and Traveller Accommodation

Portfolio Holders: Councillor Louwella Prenter, Portfolio Holder for Housing & Homelessness

Councillor Simon Curry, Portfolio Holder for Climate Change & Strategic Regeneration

Report from: Gill James, Assistant Director, Culture & Community

Authors: Becs Wilcox, Chief Housing Officer

Dave Harris, Chief Planning Officer

Summary

This report outlines proposed steps to address the needs for Gypsy and Traveller accommodation in Medway. The submission version of the Medway Local Plan 2041 does not meet the full needs of the Gypsy and Traveller and Travelling Show People. Published correspondence between the Council and the inspectors, appointed to examine the Plan, sets out actions for the Council to identify a sufficient supply of land to meet needs.

The Council has confirmed that it will carry out actions to seek to increase certainty on meeting the identified needs for this specialist accommodation through the Plan. This is critical to the timing and progress of the Local Plan.

The Council has reviewed land in its ownership to identify further capacity for Gypsy and Traveller accommodation. It is also held a 'Call for Sites' to identify if there is suitable land in other ownership.

As part of the review of Council owned land, this report sets out proposed options and recommendations for the future use of the former Park & Ride Car Park site in Maidstone Road, Wigmore (referred to in this report as the 'Wigmore Site'). Members have previously been presented with an overview of potential options for the provision of a permanent, Council owned and managed Gypsy and Traveller site. The following report presents three options for consideration in relation to this site, with further detail and clarity to enable a formal decision on the way forward.

1. Recommendations

- 1.1. The Cabinet is asked to note the work that has been carried out to identify additional options for Gypsy and Traveller sites; to provide greater certainty that the Local Plan will meet needs.
- 1.2. The Cabinet is asked to agree to proceed with Option 3 for the future provision and use of the Wigmore Site as set out in section 5.8 of the report: to develop and improve the site as a permanent Council managed Gypsy and Traveller site to provide a good quality, compliant site for 10 touring caravans over 8 pitches, with approval to explore the provision of a second phase in future years. This second phase would expand the site into adjacent land as set out in Appendix B to the report and provide an additional 6 pitches to meet increasing future need, subject to the budget request in 1.3 below, required to deliver the second phase.
- 1.3. The Cabinet is asked to agree to recommend to Council to add **£2,684,000** to the Capital Programme (funded by prudential borrowing) to deliver the initial proposals set out in the recommended Option 3.

2 Suggested reasons for decision(s)

- 2.1 The decisions in this report are required to ensure progress and adoption of the Local Plan and for the Council to meet the identified accommodation need for the provision of Gypsy and Traveller sites in Medway.

3. Budget and policy framework

- 3.1. The decisions in this report are outside of the Council's current budget frameworks as an addition to the Capital Programme is being requested.
- 3.2. The decision to proceed with the recommended options in this report is a matter for Full Council.
- 3.3. National planning policy for Gypsy and Traveller sites requires Local Authorities to identify and seek to meet accommodation needs. The Medway Local Plan forms the main part of the Development Plan for the Council. The Development Plan is part of the Policy Framework.
- 3.4. The Council's Community Safety Plan and One Medway Plan support the positive engagement with the Gypsy and Traveller community as well as ensuring improved health and wellbeing [Priority 4] and living in good quality affordable housing [Priority 5].

4. Background

Wigmore Site

- 4.1. The Wigmore site is currently occupied by a Gypsy and Traveller family group following unsuccessful possession proceedings by the Council in February 2025 and the granting of planning permission on appeal in June 2025.

- 4.2. The current planning permission, which was submitted by the Gypsy and Traveller family group occupying the site, is for the material change of use for a Gypsy and Traveller site up to a maximum of 10 touring caravans. Alterations and expansions would require planning permission but the Inspector at the appeal considered it a good site.
- 4.3. Since that time, the site has remained informal in nature. It lacks permanent infrastructure, defined pitch arrangements, amenities and formal management controls. The Council is not currently receiving rent from the occupants but £24.00 per caravan per week is collected to cover charges for rubbish collection and toilet facilities.
- 4.4. The current operation of the site gives rise to several ongoing difficulties. There is no permanent water supply, drainage or power infrastructure, and the absence of defined pitches means that the site lacks any structured layout or capacity management.
- 4.5. In addition, the absence of formal licensing arrangements limits the Council's ability to manage occupation effectively, including the setting of fees and the enforcement of standards (for example, minimum distances between caravans to prevent the spread of fire).
- 4.6. Officers have taken steps to mitigate these issues where possible. The progression of a temporary water supply represents a practical response to immediate need, but it does not address the underlying constraints of the site. As a result, the Council remains in a reactive position, managing issues as they arise rather than operating a designed and controlled site.

Planning Matters

- 4.7. In preparing the Local Plan the Council should seek to plan positively to meet development needs. Housing is a key concern, and the Plan should provide for the scale and types of accommodation to meet our communities' needs. This includes specialist accommodation, such as pitches for gypsy and traveller, and plots for Travelling Showpeople communities. Work on the Plan in finding suitable and available sites for this type of accommodation was challenging and the Council was not able to identify new sites to allocate as development for Gypsy and Traveller use in the Plan. The Council proposed a criteria-based policy, which could be used in determining planning applications. In recent years, supply from planning permissions, or appeals has provided 26 pitches, which is nearly half of the needs over the plan period. The Council's evidence base – Gypsy and Traveller Accommodation Assessment identified a need from 2022-2041 for 56 pitches for Gypsy and Traveller households and 8 plots for Travelling Showpeople. Given the recent planning consents, the residual need to be addressed in the Plan is 30 pitches for Gypsy and Traveller Households and 8 plots for Travelling Showpeople.
- 4.8. As part of the Local Plan examination process, the Inspectors have raised concerns that the Council has not clearly demonstrated compliance with the Planning Policy for Traveller Sites (PPTS), particularly in showing a

deliverable five-year supply of sites and a longer-term pipeline of developable sites or locations. Other key concerns raised by the Inspector include:

- The Local Plan's reliance on the intensification and expansion of existing sites, rather than allocating specific new or extended sites, lacks sufficient justification and may not align with national policy.
- There are weaknesses in the evidence base, including limited clarity on the methodology and conclusions of the Gypsy and Traveller Accommodation Assessment (GTAA), and the absence of formal allocations for site extensions.

4.9. The Council has responded to the Inspectors setting out steps to seek to increase certainty on the supply of pitches and plots in the Local Plan. These are:

- Hold a Call for Sites to identify any further suitable and available sites for Gypsy and Traveller use
- Review Council owned land to identify any suitable and available sites
- Assess the options for Compulsory Purchase Orders to secure use for Gypsy and Traveller households
- Assess the potential for intensification of existing sites, to increase capacity – this would include a review of the Travelling Showpeople's site at Strood
- Assess the potential to secure pitches as part of strategic development sites
- Assess the options for use of land at Wigmore

4.10 The Planning Service is holding the Call for Sites between 8 June and 20 July and is currently reviewing council owned land and will report back to the Plan Inspectors by 31 July. If the actions outlined above identify potential suitable sites, these will be reported to Cabinet and seek approval to consult on additional allocations. The consultation would run from mid-August to the end of September and would support the anticipated timetable for Stage 2 hearing sessions for the Local Plan examination in late 2026.

5. Options

- 5.1. Various options for the Wigmore site have been considered and refined following the earlier report to Members. The option of maintaining the current arrangement has been considered but is not viable beyond the short term. Although it avoids immediate capital expenditure, it does not address infrastructure deficiencies, does not provide a mechanism for effective site management, and leaves the Council exposed to ongoing legal and reputational risk. It also fails to align with Local Plan priorities.
- 5.2. The option of disposing of the site has also been revisited. While disposal may present an opportunity to achieve a capital receipt, it introduces significant legal and reputational complexities, particularly in relation to the Council's duties under equalities and human rights legislation. There is also no certainty that disposal would achieve vacant possession or deliver a better

outcome, and it would not contribute to meeting Gypsy and Traveller accommodation needs.

- 5.3. Two options remain subject to a capital budget commitment and grant funding opportunities being explored. The first is the formalisation of the existing site within its current boundary (Option 2, please see Appendix A). This would involve developing a permanent Council managed site of up to ten pitches, together with the necessary infrastructure and facilities. This approach would allow the Council to regularise occupation through licences, introduce a fee structure, and implement formal management arrangements.
- 5.4. The second option, and the one recommended in this report, is to firstly formalise the existing site within its current boundary as described in 5.3 above. But, in addition, to allow for the future expansion and further development of the site into adjacent land (Option 3, please see Appendix B). This approach allows for future flexibility to meet the increasing need for more provision as the current, and any future, family group grows.
- 5.5. Officers commissioned architects Hazle McCormack Young LLP (HMY) to undertake a Stage 1 feasibility study and develop indicative concept layouts for the Wigmore site.
- 5.6. The feasibility work confirms that the site is suitable in principle for development, noting its location, access to the highway network, proximity to facilities, and physical characteristics. The site is relatively flat, with existing areas of hardstanding and defined access from Maidstone Road, which reduces some development constraints typically associated with greenfield sites.
- 5.7. HMY developed two indicative designs which align directly with Options 2 and 3 set out in this report. Both layouts have been designed in accordance with national good practice guidance for Gypsy and Traveller sites, including requirements for pitch sizes, spacing between units, access for emergency vehicles, and provision of utilities. The designs also reflect operational considerations such as safe circulation, defined boundaries, and the integration of communal or open space.
- 5.8. Please find below an options appraisal on the three options to be considered:

Option	Estimated Cost	Pros	Cons
1 – do nothing & the site remains as it is.	£50,000 per year	- Limited impact on Council budgets. - Limited impact on Council resources.	- Missed opportunity to help meet an identified need for Gypsy & Traveller accommodation. - Negative impact on adoption of the Local Plan.

			No formal management arrangements in place, which could lead to issues with site safety, welfare concerns etc.
2- develop & improve the site within the current boundary to provide 8 pitches for 10 touring caravans.	£2,684,000 (This assumes no grant funding, as a worst-case scenario)	- The site is in a suitable location with minimal impact on residential areas. - Provides a compliant, good quality site for the current & any new residents. - Helps meet the identified need required for the Local Plan. - Increased likelihood of positive outcomes with enforcement against unauthorised encampments in Medway (due to increased provision).	- Only provides limited provision, not allowing for future needs as families grow. - Does not make best use of the whole, existing site. - Additional capital expenditure.
3 – develop & improve the site to provide 8 pitches for 10 touring caravans. Plus approval to explore a future expansion into adjacent land as a second phase to add	£2,684,000 (This assumes no grant funding, as a worst-case scenario) Costs for phase 1 only at this time, due to proposed timescales.	- The site is in a suitable location with minimal impact on residential areas. - Provides a compliant, good quality site for the current & any new residents. - Helps meet an increased level of identified need required	Increased level of additional, future capital expenditure.

another 6 pitches.		for the Local Plan. • Allows for the provision of a larger site to meet future, increased need. • Increased likelihood of positive outcomes with enforcement against unauthorised encampments in Medway (due to increased provision & plans for further provision on site).	
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5.9. The capital budget identified for Options 2 and 3 has been based on high-level costings carried out by a Quantity Surveyor. This includes:

- Site clearance, enabling works, groundworks/site levelling
- Road, hardstanding, landscaping and communal space/play area
- Contractor preliminaries, environmental surveys/reports, design/architect/employer's agent fees, planning and building control fees.
- Utility blocks (including fitting out, finishes, mechanical/electrical installations etc.)
- Noise screening/acoustic barriers
- Solar PV, heat pumps etc.
- Lighting, fire safety equipment/measures
- Water, sewer and electric connections

5.10. Both Options 2 and 3 will require a new full planning application to be put together and submitted (with a pre-application prior to this), to include the tender and appointment of an architect and quantity surveyor to complete the full designs and requirements (surveys, searches etc.) for a planning application.

5.11. A full tender process will be required to appoint a build contractor to deliver the site, along with an Employers Agent. It is anticipated this along with the

items set out in 5.9 above, would take 12 to 18 months to complete, before construction works on site could commence (for the delivery of 8 pitches, for 10 touring caravans).

- 5.12. It should be noted that the current family group occupying the site would need to be decanted and placed in alternative accommodation for the duration of the construction works.
- 5.13. It is recognised nationally that the cost of developing Gypsy and Traveller sites is disproportionately high meaning they are financially challenged from the start. Please see Exempt Appendix C for details of the financial appraisal and cash flow modelling undertaken.
- 5.14. The development of permanent Gypsy and Traveller sites is eligible for grant funding through the Homes England Social and Affordable Homes Programme (SAHP).
- 5.15. There is no separate or ring-fenced funding in SAHP specifically for Gypsy and Traveller sites, applications are considered alongside the wider 10-year programme. But there is flexibility to support a diverse range of affordable homes including Gypsy and Traveller sites, with specific guidance set out under the SAHP Capital Funding Guide.
- 5.16. It should be noted that all applications to SAHP are assessed on a case-by-case basis and the grant funding **does not** cover the full costs. The amount of grant funding depends on the merits of each scheme and applications are assessed for value for money based on their particular circumstances (Homes England does not have set grant rates).
- 5.17. Therefore, it is only possible to make assumptions on the potential level of grant funding that could be secured. However, officers would actively engage with our Homes England contact to discuss and develop an application that maximises the funding available.
- 5.18. An application to SAHP would need to demonstrate innovation in the site design, for example by incorporating renewable energy (solar PV and heat pumps) and using enhanced building fabric standards for the utility blocks. Other ideas could include acoustic screening, dedicated garden space, play areas and multi-functional utility blocks.
- 5.19. With a lack of good quality, sustainable sites across Kent and Medway, this is an opportunity for the Council to be an innovator and lead the way in setting the standard for successful Gypsy & Traveller site delivery. Positive impacts include:
 - Demonstrating our commitment to meeting the needs identified in the current Gypsy and Traveller Accommodation Assessment and Planning Policy for Traveller Sites.
 - Practical use of previously unused land to provide a safe, secure and healthy permanent base for Gypsy and Traveller households, which in

turn will contribute to improved health, wellbeing, social and educational outcomes for the people living there.

- Demonstrate that the Council is committed to supporting vulnerable people and recognises the importance of the Gypsy and Traveller community to the make-up of our diverse and inclusive Medway, embodying the principles of our One Medway Council Plan.
- The opportunity to showcase what can be achieved with a well thought out, forward-thinking design in terms of quality and sustainability whilst providing a much-needed base for homes.

5.20. The Planning Service will consider the outcome of the work outlined at paragraph 4.9 above and will provide an update for Cabinet setting out any resulting further options.

6. Advice and analysis

- 6.1. Formalising and maximising the use of the Wigmore site provides a direct opportunity to contribute towards identified pitch requirements while reducing reliance on unauthorised or temporary arrangements. It also strengthens the Council's position in demonstrating deliverable supply at Local Plan examination.
- 6.2. Conversely, failure to bring this site forward as a dedicated Gypsy and Traveller provision would increase pressure elsewhere across Medway and undermine the Council's ability to meet its obligations. The strategic importance of this site within the Local Plan context is therefore significant.
- 6.3. The Public Sector Equality Duty requires the Council to take decisions in a way that aims to eliminate discrimination, advance equality and foster good community relations. Race is a protected characteristic under the Public Sector Equality Duty, and the Council is therefore required to consider the impact of its decisions on people of Gypsy and Traveller heritage.
- 6.4. The insufficient supply of accommodation for Gypsy and Traveller households in Medway does result in disadvantage for Gypsy and Traveller households. It is imperative that the Council works to increase the available accommodation supply to eliminate this disadvantage. The recommendations set out in this report will help ensure the accommodation needs of Gypsy and Traveller households are met within the Medway Local Plan 2041. Additional information, advising on the outcome of the current work in the Planning Service seeking to identify additional sites, and any recommendations for decision making will be reported to Cabinet.
- 6.5. A Diversity Impact Assessment (DIA) is included with this report in Appendix D. In summary, the DIA identifies and confirms an advance equality impact from the recommendations within this report and a positive impact in terms of fostering good relations. The proposed Wigmore site (and other potential future provision) will aim to advance equality of opportunity for the Gypsy and

Traveller community. The provision of new sites will help to reduce the occurrence of unauthorised development and encampments, which in turn is anticipated to reduce any potential tensions with the settled community.

- 6.6. The DIA identifies that the establishment of a permanent site would allow positive impacts on child and adult safeguarding. This can be achieved with current and future children occupying the site and continuing their education in a familiar and consistent setting, resulting in a positive impact. The provision of a site will also have a positive impact on the health and wellbeing of older people, allowing better and more consistent access to local services and support. Likewise, living on a permanent site will allow expectant women and mothers of younger children a safe place from which to access services (GP, midwife, health visitor etc.). Travellers with physical disabilities will benefit from the provision of a permanent site by the availability of flat, level ground with accessible facilities.

7. Risk management

Risk	Description	Action to avoid or mitigate risk	Risk rating
Adoption of the Medway Local Plan 2041.	Failure to develop the Wigmore site as permanent provision, contributing to supply, puts progress and adoption of the Local Plan at risk.	Options presented to develop the Wigmore site to help meet the identified need.	B2
Adoption of the Medway Local Plan 2041.	Failure to explore and identify further sites/options to meet the identified need for Gypsy & Traveller site provision.	Council to review land in its ownership & carry out a 'call for sites' to review options in other ownership.	B2
Environmental restraints.	Potential issues such as contaminated land which may limit use of the land at the Wigmore site.	Ecological surveys to be completed in the early stages to identify any issues.	C3
Tender process delays.	Insufficient contractors available to undertake the works required at the Wigmore site.	Monitor the availability of contractors ahead of the tender process.	C2
Budget overspend.	Unforeseen works and/or complications during the build process resulting in an increase in costs.	Early engagement with Quantity Surveyors in establishing cost plans. Engage with other LA's who have delivered sites to identify any issues encountered.	C3

Risk	Description	Action to avoid or mitigate risk	Risk rating
Complications with the decant of the current occupants at the Wigmore site.	Costs associated with the decant and provision of suitable alternative accommodation, and Identifying suitable accommodation.	Early resident engagement and review of the options available.	B3

For risk rating, please refer to the following table:

Likelihood	Impact:
A Very likely B Likely C Unlikely D Rare	1 Critical 2 Major 3 Moderate 4 Minor

8. Consultation

- 8.1. It is not felt that a public consultation is required for the delivery of the Wigmore site as the site is not near a residential area. The Planning Service will provide an update in the Cabinet report on the Call for Sites exercise which has been widely publicised. If the outcomes of the assessment work identify potential sites, the Cabinet report will include proposed details of consultation from mid-August to late September on site allocations for gypsy and traveller uses.

9. Climate change implications

- 9.1. Making planned provision for the Gypsy and Traveller community will limit the environmental impact of unregulated stays on other unauthorised encampments, including the reduction of pollution and damage to the natural environment.
- 9.2. Landscaping of the Wigmore site could provide some carbon capture and storage through screening and planting. This will be considered accordingly should plans progress at the Wigmore site.
- 9.3. Any planning application will need to be accompanied by a biodiversity and ecology study and proposals to meet statutory biodiversity net gain requirements.
- 9.4. Should Options 2 or 3 for the Wigmore site progress, renewables will be explored for the site including options for air or ground source heat pumps, solar photovoltaic panels and water saving devices for the utility blocks and wider site.

10. Financial implications

- 10.1. The recommendations relating to Options 2 or 3 for development of the Wigmore site, require an additional capital budget to be approved.

- 10.2. It should be noted that the capital budget requested does not consider any external funding that could be secured. At this stage funding cannot be guaranteed, but officers are confident that this can be secured which would therefore reduce spend of the capital budget.

11. Legal implications

- 11.1 The national Planning Policy for Traveller Sites requires local planning authorities, in producing their Local Plan, to identify and update annually a supply of sites over the plan period, i.e. specific 'deliverable' sites in the first five years against locally set targets, and 'developable' sites or broad locations from year six of the plan period. The submission version of the Medway Local Plan 2041 does not meet the full needs of Gypsy and Traveller and Travelling Show People households.
- 11.2 The Mobile Homes Act 1983 and 2013 provides the base legislation for occupation agreements and management of sites. The Control of Caravans Act 1960 (as amended) provides layout and management requirements.
- 11.3 All decisions made by the Cabinet can be the subject of a Judicial Review on public law grounds, in this specific instance the acknowledgement of the shortfall in the submitted version of the Medway Local Plan 2041 would be an important factor which should be given weight in Cabinet's decision whether or not to proceed with the recommended option. Failure to adequately consider relevant information in the decision-making process can give rise to a public law ground of challenge.

Lead officer contact

Becs Wilcox, Chief Housing Officer – rebecca.wilcox@medway.gov.uk
(Tel: 01634 333581)

Dave Harris, Chief Planning Officer – dave.harris@medway.gov.uk
(Tel: 01634 331700)

Appendices

Appendix A – Wigmore option 1

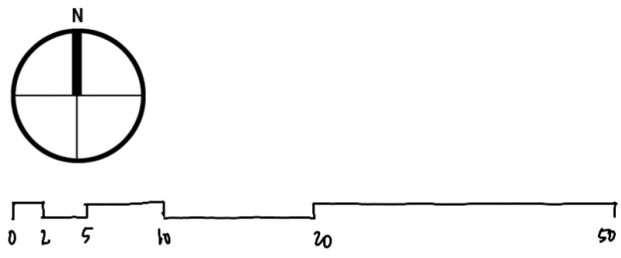
Appendix B – Wigmore option 2

Exempt Appendix C – Exempt Information Financial Appraisal

Appendix D - Diversity Impact Assessment

Background papers

[Gypsy and Traveller Accommodation Topic Paper](#)





Diversity impact assessment

Appendix D

TITLE
Provision for Gypsy and Traveller Accommodation
DATE
9 June 2026
LEAD OFFICER.
Becs Wilcox, Chief Housing Officer – Housing Services & Dave Harris, Chief Planning Officer – Planning Services
1 Summary description of the proposed change
What is the change to policy / service / new project that is being proposed? How does it compare with the current situation?
The proposal is in two parts: 1.A recommendation for Members to approve development of the former Park & Ride Car Park in Wigmore into a permanent, Council managed Gypsy and Traveller site. The Wigmore site is currently occupied by a Gypsy and Traveller family group following unsuccessful possession proceedings by the Council in February 2025 and the granting of planning permission on appeal in June 2025. Development of the site would deliver a permanent Council managed site of up to ten pitches, together with the necessary infrastructure and facilities. This would allow the Council to regularise occupation through licences, introduce a fee structure, and implement formal management arrangements. The intention is for the current family group to occupy the new permanent site, with provision allowed for in the design for future expansion to meet increasing needs. The proposed provision would deliver a good quality, fully compliant site for the current and new occupants to help meet the needs of this cohort. 2.A recommendation for Members to consider the work carried out to identify additional options for Gypsy and Traveller sites; to provide greater certainty that the Local Plan will meet needs. This may include approval for consultation on additional site allocations. The emerging Local Plan provides a planning policy framework for guiding development in Medway up to 2041. It comprises a vision, strategic objectives, site allocations and development management policies. With regard to housing, the Local Plan aims to meet the housing needs of the community and national planning policy for Gypsy and Traveller sites requires Local Authorities to identify and seek to meet accommodation needs. The submission version of the Medway Local Plan 2041 does not meet the full needs of this cohort. Published correspondence between the inspectors, appointed to examine the Plan, sets out actions for the Council to identify a sufficient supply of land to meet the full needs.

Diversity impact assessment

2 Summary of evidence used to support this assessment

E.g. Feedback from consultation, performance information, service user.
E.g. Comparison of service user profile with Medway Community Profile

Gypsy and Traveller Accommodation Assessment.

3 What is the likely impact of the proposed change?

Is it likely to:

Adversely impact on one or more of the protected characteristic groups

Advance equality of opportunity for one or more of the protected characteristic groups

Foster good relations between people who share a protected characteristic and those who don't

(insert Yes when there is an impact or No when there isn't)

Protected characteristic groups (Equality Act 2010)	Adverse impact	Advance equality	Foster good relations
Age		Yes	Yes
Disability		Yes	
Gender reassignment			
Marriage/civil partnership			
Pregnancy/maternity		Yes	
Race		Yes	Yes
Religion/belief		Yes	
Sex			
Sexual orientation			
Care experience			
Other (e.g. low income groups)			

Diversity impact assessment

4 Summary of the likely impacts

Who will be affected?

How will they be affected?

The current site occupants include a high number of children who are attending local schools, so the establishment of a permanent site would allow them to continue their education in a familiar setting resulting in a positive impact. The provision of a site will also have a positive impact on the health and wellbeing of older people, allowing better and more consistent access to local services and support.

Gypsy and Travellers are known to generally marry and start families younger than non-travelling communities, often whilst travelling. Being able to live on a permanent site will allow expectant women and mothers of younger children a safe place from which to access consistent services (GP, midwife, health visitor etc.).

Travellers with physical disabilities will benefit from the provision of a permanent site by the availability of flat, level ground with accessible facilities.

5 What actions can be taken to mitigate likely adverse impacts, improve equality of opportunity or foster good relations?

What alternative ways can the Council provide the service?

Are there alternative providers?

Can demand for services be managed differently?

The proposed Wigmore site (and potential future provision) will aim to advance equality of opportunity for the Gypsy and Traveller community. With full management by the Council in place, there will be opportunities for resident engagement to foster good relations with the wider communities.

The provision of new sites will help to reduce the occurrence of unauthorised development and encampments, which in turn is anticipated to reduce any potential tensions with the settled community.

6 Action plan

Actions to mitigate adverse impact, improve equality of opportunity or foster good relations and/or obtain new evidence

Action	Lead	Deadline or review date

Diversity impact assessment

7 Recommendation

The recommendation by the lead officer should be stated below. This may be: to proceed with the change, implementing the Action Plan if appropriate, consider alternatives, gather further evidence

If the recommendation is to proceed with the change and there are no actions that can be taken to mitigate likely adverse impact, it is important to state why.

The recommendations are for Members to approve the development of the Wigmore site to provide 8 pitches, for 10 touring caravans within the current boundary and the option of expanding the site as a second, future phase.

In addition, for Members to consider further work to be carried out to identify additional options for Gypsy and Traveller sites, to provide greater certainty that the Local Plan will meet the identified needs

8 Authorisation

The authorising officer is consenting that the recommendation can be implemented, sufficient evidence has been obtained and appropriate mitigation is planned, the Action Plan will be incorporated into the relevant Service Plan and monitored

Assistant Director

Date of authorisation



Cabinet

4 August 2026

Provision for Gypsy and Traveller Accommodation – Addendum report

1. Additional Recommendations to main report
 - 1.4 The Cabinet is asked to consider and note the outcome of the Call for Sites exercise and review of Council owned land in its consideration of the options for the former Wigmore Park and Ride site.
 - 1.5 The Cabinet is asked to support a proposed minor modification to the Local Plan policies map to clarify the existing and consented gypsy and traveller sites to be safeguarded in accordance with policy T10 in the submitted draft Medway Local Plan.
2. Outcome of Call for Sites for Gypsy and Traveller and Travelling Showpeople
 - 2.1 Following correspondence between the Inspectors appointed to examine the Medway Local Plan 2041 and the Council, the Planning Service carried out a review of land with potential for use for gypsy and traveller and travelling showpeople accommodation.
 - 2.2 The Council issued a 'call for sites,' specifically for Gypsy, Traveller and Travelling Showpeople Accommodation Sites, between 8 June 2026 and 20 July 2026. The notice of the 'call for sites' was publicised with developers, land owners, consultees and wider stakeholders through use of the database of contacts developed for the local plan. A Council member assisted in promoting the Call for Sites to contacts with links into Gypsy and Traveller communities.
 - 2.3 The Council received no submission sites, and the Council member's approach also received no follow up on suggested sites.
 - 2.4 The Council member liaised with the Planning Service to review council owned land and he made a number of suggestions for further review of sites. The member suggested sites were located in the Capstone Valley area, High Halstow, Cuxton, Luton, Lower Rainham bordering the estuary, and Rochester. These sites were included in the assessment carried out by Planning officers. Most of the sites were removed in the earlier stages of

assessment due to conflict with screening criteria, particularly protected open space and environmental designations. Other sites were included in the later stages of assessment.

- 2.5 Alongside the Call for Sites exercise, the Planning Service carried out a review of its own landholdings with the objective of identifying deliverable and developable sites for the first 10 years of the Plan. The approach to this work is set out below.

Site identification and screening

- 2.6 Planning officers used the latest Land Registry spatial data in a Geographic Information System to identify land in the Council's ownership. The Council reviewed practice in other Local Planning Authorities to inform its methodology, including minimum size site. Having discounted 1,176 sites that are smaller than 400 sqm, 978 sites remained for assessment.

Assessment

- 2.7 The next stage comprised an assessment as to the suitability, availability and achievability of each site. Policy B (paragraph 13) of the national 'Planning Policy for Traveller Sites' (December 2024)¹ provides a basis for a desktop assessment of suitability. The following designations and areas were considered:

- Habitats sites.
- Ancient Woodland.
- Sites of Special Scientific Interest.
- National Nature Reserves.
- Local Nature Reserves.
- Flooding from rivers and sea (Flood Zones 2 & 3).
- Green space.
- Green Belt.
- Air Quality Management Area (within 25m).
- Existing waste management facilities (within 100m).

- 2.8 Sites intersecting with these designations were discounted, leaving 423 sites requiring a planning officer's desktop review to consider:

- Potential access arrangements.
- Potential adverse impacts on residential amenity.
- Existing land use of the site itself.
- Compatibility with adjacent land use.
- Presence of dense vegetation.
- Topography

¹ <https://www.gov.uk/government/publications/planning-policy-for-traveller-sites/planning-policy-for-traveller-sites>

- 2.9 Most of these 423 sites were schools, highways or public realm which were discounted on the next iteration of assessment.
- 2.10 Nineteen sites were identified as potentially suitable, requiring a detailed assessment by Council officers according to the criteria in Policy T10: Gypsy, Travellers & Travelling Showpeople. On a more detailed assessment, these were largely found to be unsuitable on environmental, amenity or access grounds.
- 2.11 The only site emerging with potential as an allocation in the Local Plan is the former Wigmore Park and Ride site, which is the subject of this report. Should Cabinet support the allocation of the Wigmore site for gypsy and traveller accommodation, the Planning Service would carry out focused consultation as a proposed main modification to the submitted plan.
- 2.12 Through the Local Plan, the Planning Service would seek to safeguard existing and consented gypsy and traveller sites, including designation on the policies map for the plan. It is considered that some of the existing and consented sites would provide capacity for intensification to contribute to new supply through additional pitches, particularly to meet needs arising from family growth.

Appeal Decision

Hearing held on 28 May 2025

Site visit made on 28 May 2025

by Paul Griffiths BSc(Hons) BArch IHBC

an Inspector appointed by the Secretary of State

Decision date: 12 June 2025

Appeal Ref: APP/A2280/W/25/3358815

M2 Commuter Car Park, Maidstone Road, Rainham ME8 0LU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr K Coughtrie of the Public Interest Law Centre against the decision of Medway Council.
 - The application Ref.MC/24/1038, dated 20 May 2024, was refused by notice dated 15 July 2024.
 - The development proposed is the material change of use for Gypsy/Traveller site - retrospective.
-

Preliminary Matters

1. As indicated in the description of development set out above, the development has been carried out. That said, the 'retrospective' element of the description is superfluous, and I have not used it in my decision below.
2. The site was originally a 'Park and Ride' facility from where commuters would travel into London by coach, but it fell into disuse after the pandemic. It is in the ownership of the Council. The families¹ moved on to the car park on 29 July 2023, at the suggestion of a Local Councillor, having been moved on from unauthorised sites elsewhere. On 6 October 2023, they were issued with Notice to Quit by the Council. They refused to comply, given that they had nowhere else to go, and have remained on site ever since.
3. The Council has sought to evict the occupiers and regain possession of the site through the Courts. However, I was told that this action has failed, with the Court finding, in short, that in the circumstances described to the Court, eviction would be a disproportionate infringement on the occupiers' Article 8 human rights². While I too have to consider this situation, I must do so anew, in a planning context. As a result, the decision of the Court is of no relevance.

Decision

4. The appeal is allowed, and planning permission is granted for the material change of use for Gypsy/Traveller site at M2 Commuter Car Park, Maidstone Road, Rainham ME8 0LU in accordance with the terms of the application, Ref.MC/24/1038, dated 20 May 2024, subject to the conditions set out in Annex 1 to this decision.

¹ According to the appellant's Statement of Case, there are two distinct family groups involved that form an extended family

² At the time of the Hearing a transcript of the Judgment was not available, so I here rely on what I was told

Main Issues

5. The originating application was refused planning permission for four reasons. In the lead up to the Hearing, having had regard to the Technical Note - Air Quality submitted by the appellant with the appeal, the Council withdrew the second reason for refusal relating to air quality. The Technical Note concludes that occupiers of the site would not be exposed to pollutant concentrations above the relevant objective levels, and any impact upon them in air quality terms would be negligible. On that basis, I take this matter no further.
6. The Council's fourth reason for refusal concerned the failure of the application to address the potential impact of the proposal on the Thames Estuary and Marshes and the Medway Estuary and Marshes Special Protection Areas (SPAs). Generally, these potential impacts are addressed through a financial contribution to strategic mitigation measures (SAMMS) based on a set tariff, secured through a Unilateral Undertaking (UU), or a direct payment. Given that the occupiers of the site do not own the land, the route through a UU was not available. Making a direct payment proved rather complicated too.
7. However, some helpful discussion took place at the Hearing and the parties agreed that a direct payment should be made based on ten touring caravans on the site (which could be set by condition) being the equivalent of five new dwellings. Payment was made on that basis.
8. There is the question of whether five is the correct figure to proceed upon. I appreciate that there are in fact two households on the site and so it could be argued that this is the equivalent of two new dwellings. However, the appeal is not made on the basis that any planning permission granted would be personal to the existing occupiers. If permission was granted for ten touring caravans on the site, the number of households involved could vary considerably. In that context, the figure of five seems to me to be a reasonable compromise. Given that a direct payment was made on that basis during the Hearing, the Council considered the potential impact on the SPAs to have been dealt with.
9. Regulation 63(1) of the Conservation of Habitats and Species Regulations 2017 as amended requires that, before deciding to give any permission or other authorisation for a project which is likely to have a significant effect on a European site, a competent authority must make an appropriate assessment of its implications (including in combination with others). I have undertaken an appropriate assessment in a reasonable and proportionate manner relative to the circumstances of this case as follows. As there is nothing of ecological or biodiversity value on the site at present and given that direct payment to mitigate the effects on the SPAs has been made which the Council has confirmed is secured for those purposes; an approach arrived at with Natural England, I am of the view that no likely adverse effects would result either on or off site in respect of ecology.
10. With those points in mind, the remaining issues to be considered are the effect of the change of use on the character and appearance of the area, and whether the site provides reasonable living conditions for the occupiers in terms of the noise environment. That analysis must take place in the context of the development plan, and the needs of Gypsies and Travellers; there being no dispute that those occupying the site meet the Government's definition of Gypsies and Travellers as set out in the Planning Policy for Traveller Sites (PPTS) of December 2024.

11. There are other matters to consider too notably the personal circumstances of the appellants, the best interests of the children involved, and the implications of a dismissed appeal. These matters must be approached in the light of the Public Sector Equality Duty (PSED), and the appellants' Article 8 human rights.

Reasons

The Policy Background and Need

12. The development plan for the area includes the Medway Local Plan that was adopted in May 2003. Policy H13 refers to Gypsy caravan sites and Travelling Showpeople's quarters. These will be permitted when: (i) the site is close to essential local services, including shops, public transport, schools, medical and social services; and (ii) the site can be physically contained and adequately screened from surrounding land; and (iii) there is compliance with agricultural, landscape, nature conservation and countryside policies; and (iv) there is no adverse impact on nearby residential amenity or agricultural interests; and (v) access arrangements are of a standard approved by the Highway Authority; and (vi) there is adequate provision of power, water and sewerage.
13. The Council has also drawn my attention to Policy BNE1 which sets out general principles for built development; Policy BNE2 which requires all development to secure the amenities of future and existing occupiers; Policy BNE25 which covers development in the countryside; and Policy BNE35 that refers to International and National Nature Conservation Sites.
14. Obviously, these policies are of some vintage and in terms of provision for Gypsies and Travellers, based on an assessment of need from some time ago. The latest assessment of need can be found in the Medway Council Gypsy and Traveller Accommodation Assessment (GTAA) of May 2024. This concludes that there is a need for 56 pitches. I note the points made on behalf of the appellant that this is likely to be an underestimate, but the important point is that the Council has no sites, allocated or otherwise, that can address this need, let alone any greater need that might exist. As such, it is agreed that the Council cannot demonstrate a five-year supply of deliverable sites for Gypsies and Travellers. The Government's PPTS says that in such an instance, paragraph 11(d) of the National Planning Policy Framework (the Framework) applies. Here, that would mean granting planning permission unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework, considered as a whole.

Character and Appearance

15. The site lies to the immediate north of the M2 motorway near its junction with the A278 (J4). It is separated from the junction by a paddock. There is extensive screening from trees and bushes to the south and east that border the roads and from what I saw, the site is only visible from the length of Maidstone Road that runs along its frontage.
16. An assessment of the impact of the change of use must, in my view, take account of the former, and authorised, use of the site. To my mind, the presence of caravans and vehicles upon it is little different to the parked cars and coaches that would have been in place as part of its former use. That said, the paraphernalia that has grown up around the caravans is not something that would have been in place then.

17. I accept that this paraphernalia could be arranged better but that is most likely a product of the insecure manner in which the appeal site has been occupied. If the occupiers had security of tenure, then there would be more incentive for the site to be better maintained.
18. The Council suggest that landscape screening along the frontage of the site might relieve this impact. Redrow Homes, who have been granted planning permission for 88 homes on the site on the opposite side of Maidstone Road, subject to the completion of an Agreement under s.106, make much the same point, amongst others.
19. First of all, if Redrow Homes are concerned about screening, it is within their gift to provide it along the frontage of their site. Secondly, as the Council observed in the course of the Hearing, opportunities for landscaping along the frontage, within the appeal site itself, are very limited.
20. However, there is another point to consider here. The site is in the ownership of the Council, as is the substantial grass verge between the site access and Maidstone Road. This latter area of land is not part of the appeal site. If planning permission is granted for the change of use sought, the site would become a Council-owned site for Gypsies and/or Travellers. The occupiers, whether those who on the site at present, or other Gypsies and/or Travellers, would need some sort of lease or licence agreement authorising that occupation, for which they would no doubt pay a fee. In that context, if the Council felt that their site would benefit from some landscaped screening along the frontage, which the existing grass verge between the site access and Maidstone Road might accommodate, then they could undertake the required planting.
21. In my view, bearing in mind the former use of the site, and the limited views available of it, and the fact that housing is very likely to come forward to the west of the site, its use as a site for Gypsies and/or Travellers would cause no undue harm in character and appearance terms, as it stands. It is physically contained, and adequately screened already and as such, what is proposed complies with criteria (ii) and (iii) of Policy H13 and Policy BNE1.

Living Conditions

22. The central concern of the Council in relation to the living conditions of the occupiers relates to the prevailing noise climate. The principal influence on that noise climate is traffic noise from the nearby motorway and Maidstone Road. A Noise Impact Assessment Report was submitted with the appeal and its findings were based on an environmental noise survey. The report concludes that, unmitigated, the development site is exposed to environmental noise of a sufficient magnitude to cause a medium to high risk of adverse impact.
23. There are two aspects to the analysis that flows from this finding. The first relates to internal noise levels. The report finds that internal conditions achieving the reasonable relaxation provided for in the BS8233:2014 internal design limits should be achievable with modern mobile homes compliant with BS3632:2015. Moreover, if suitable acoustic barriers can be installed, a nominal 5dB reduction in traffic noise levels could potentially be achieved where line of sight to nearby roads and traffic is obscured. With such mitigation internal conditions commensurate with the internal design limits given in BS8233:2014 should be achievable with modern mobile homes.

24. Most importantly, given the way in which the appeal has proceeded, well insulated modern touring caravans could also potentially achieve the BS8233 reasonable relaxation.
25. In terms of external spaces, the report finds that a level of amenity commensurate with the upper guideline level of 55dB is unlikely to be achieved, with or without mitigation. However, an external area that is relatively quieter could be provided if appropriate acoustic screening is installed.
26. Having regard to those findings, the Council has suggested a condition requiring a scheme to address internal and external noise levels to be submitted for approval and implemented thereafter. I address this further below but in principle, it seems to me that such a condition, properly worded, could ensure that adequate living conditions on the site are secured in compliance with Policy BNE2.

Other Matters

27. Given that the site has an access designed to accommodate coaches, no highway related issues have been raised by the Council. I agree and on that basis there is clear compliance with Policy H13 criterion (v).
28. I saw at my site visit that the occupiers of the site are reliant on generators to provide power, have no piped water supply so rely on bottled water, and use portable toilet facilities. However, there seems to me no good reason why the site could not be connected to a power and water supply and have foul drainage facilities provided. In this way, there could be compliance with Policy H13 criterion (vi).
29. In their representation, Redrow Homes have suggested that sites for Gypsies and Travellers ought to come forward through the Council's new Local Plan to allow for a strategic assessment as to how to make provision for a sufficient level of Gypsy and Traveller sites across the district, in suitable locations, to take place. I deal further with the new Local Plan below, but I would observe that as I have set out above, this is not the approach of Government policy where a Council cannot demonstrate a five-year supply of deliverable sites for Gypsies and Travellers. Moreover, one could surely make the same point about housing in general; the lack of any up-to-date strategic assessment for its provision across the district has not prevented the Council from granting planning permission, subject to the completion of an Agreement under s.106, for housing on the Redrow Homes site.

Conclusion

30. Bringing all those points together, I am content that the change of use sought to allow the site to be used as a site for Gypsies and/or Travellers accords with the development plan. There are no material considerations in play that might serve to justify a contrary decision. On that basis, I intend to allow the appeal and there is no need for the 'tilted balance' to be applied.
31. There is then the question of the nature of that permission to be considered. Given that the Council is not meeting the needs of Gypsies and Travellers in the Borough generally, and on the basis that the needs of the families on this site are not determinative in this instance, there would be no purpose served by granting permission on a basis personal to the existing occupiers.

32. In terms of whether permission be granted on a temporary or a permanent basis, I heard that Council intends to submit its new/replacement Local Plan in the near future. However, the intention, for now at least, is for that Plan to seek to meet its needs through intensification of existing sites rather than allocating new sites. Given the acknowledged level of the need, and the possibility that needs have been underestimated, I have my doubts about whether that approach is workable. It is, however, a matter for the examination.
33. That examination and any eventual adoption might well take some time to conclude but in any event, I have found the site suitable as a site for Gypsies and/or Travellers, subject to a noise-based condition. On that basis, I see no good reason not to make the grant of permission a permanent one.
34. Notwithstanding those conclusions, it would be remiss of me not to address the personal circumstances of the existing occupiers of the site. I heard that the occupiers are happily settled, and having a base, albeit an insecure one, has allowed the children of school age living on the site to attend schools, and school places to be found for those coming up to school age.
35. It is well established that in cases such as this, there is no more important single consideration than the best interests of the children involved. It is abundantly clear that these best interests are most effectively served by a settled base that allows for attendance at school.
36. Moreover, having a base has allowed proper contact with medical services, and registration with local GPs, for the health issues of some of the occupiers to be addressed, and for the children to receive their immunisations.
37. It is hardly surprising that the families are happily settled on the site when they have previously led a roadside existence, moving from site to site, with no opportunity to settle. While not conclusive, conscious of the best interests of the children, the PSED, and the occupiers' Article 8 human rights, the obvious advantages of a settled base add significant weight to my findings above.
38. I would add that even had I found some harm to arise in character and appearance terms, and a failure to accord the development plan as a result, the obvious advantages of a settled base, in the light of the best interests of the children, the PSED and the occupiers' Article 8 Human Rights, would have provided material considerations sufficiently weighty to justify a decision not in accord with the development plan in this case, without the tilted balance in the Framework needing to be employed.

Conditions

39. A series of conditions that might be attached if planning permission is granted for the proposal were discussed in some detail at the hearing. Given that the substantive element of the proposal - the material change of use of land for the stationing of caravans for residential occupation as a Gypsy/Traveller site has already taken place, there is no purpose served by the inclusion of a commencement condition.
40. A condition is needed to set out the plan that underpins the grant of planning permission. Given the basis on which planning permission has been granted, it is necessary to apply a condition requiring that the site be occupied by Gypsies or Travellers as defined in the PPTS.

41. There was some discussion about a condition restricting the number of caravans on the site. I accept that it is necessary to exert some control over numbers. The parties agreed to a limit of ten touring caravans for the purposes of the SAMMS payment (as the equivalent of five new dwellings) and for the reasons I set out above, I consider the condition should reflect that figure. However, the condition does need to make clear, given the workings of a change of use like this, that no static caravans are allowed on the site.
42. As set out above, there is a need for a condition to secure a 'scheme' that addresses traffic noise. Given that the change of use has already taken place, this condition needs to be composed in a retrospective format. As discussed, the same condition can address the layout of the caravans, and any ancillary buildings and/or structures. In terms of the noise condition, some elements of the required 'scheme', such as the nature of the touring caravans, is in the control of the occupiers. I heard during my site visit that the existing touring caravans already provide a good degree of insulation from traffic noise.
43. In terms of other parts of the 'scheme', matters are complicated by the ownership issues. Any acoustic fencing to be erected on and adjacent to the site would need the consent of the Council and others as landowners, but I am sure that a sensible arrangement providing adequate screening, could be arrived at.

Final Conclusion

44. For all the reasons given above, having taken account of the development plan as a whole alongside all relevant material considerations, it is my conclusion that the appeal should be allowed, subject to the conditions set out below.

Paul Griffiths

INSPECTOR

APPEARANCES

For the Local Planning Authority

Hannah Gunner

Principal Planning Officer

Madeleine Mead

Principal Planning Officer

For the Appellants

Alison Heine

Keith Coughtrie

Public Interest Law Centre

Cllr Satinder Shokar

Julie White

Tina Heron

Oldy Heron

Pagan Heron

Maria Heron

Annex 1: Conditions

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans: Un-numbered Location Plan.
- 2) The site shall not be occupied by any persons other than Gypsies or Travellers defined as 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 showpeople or circus people travelling together as such.
- 3) No more than 10 (ten) caravans as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 as amended, of which 10 (ten) shall be touring caravans and 0 (zero) static caravans, shall be stationed on the site at any time.
- 4) The use hereby permitted shall cease and all caravans, structures, equipment and materials brought onto the land for the purposes of such use shall be removed within 28 days of failure to meet any one of the requirements set out in i) to iv) below:
 - i) Within three months of the date of this decision a noise and layout scheme shall have been submitted to the local planning authority for their approval in writing. That scheme shall address transport related noise in terms of internal noise levels within caravans and external noise levels in accordance with the associated Noise Impact Assessment Report (prepared by dBA Acoustics ref.1630.NIA.00). That scheme shall also show the positions of the caravans along with any ancillary buildings and structures and shall include a written timetable for its implementation.
 - ii) If within eleven months of the date of this decision the local planning authority refuses to approve the scheme or fails to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.
 - iii) If an appeal is made in pursuance of ii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State.
 - iv) The approved schemes shall have been carried out and completed in accordance with the approved timetables.

Upon implementation of the approved scheme specified in this condition, that scheme shall be retained thereafter.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.