

Representations in respect of the Gypsy, Traveller and Travelling Showpeople Development Plan Document

Publication Stage (Regulation 18)

On behalf of residents of Rabbits Cross, Chart Hill Road

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1. Introduction

- 1.1. These representations are submitted on behalf of a group of local residents who live at the hamlet of Rabbits Cross to the east and west of Chart Hill Road, to the south of Chart Sutton and north of Staplehurst. They are submitted in response to Maidstone Council's consultation in respect of the draft Gypsy, Traveller and Travelling Showpeople Development Plan Document ("the DPD").
- 1.2. For context, on behalf of our clients we have previously objected to various applications and appeals concerning gypsy and traveller development within the local area. Most recently, this concerned appeal reference APP/U2235/C/24/3340802 which was allowed on the 29th November 2024, and planning application 25/503131/FULL which was granted planning permission on 3rd October 2025.
- 1.3. The focus of these representations will be draft Policy TR4 which, in part, proposes to allocate gypsy and traveller sites around Rabbits Cross at Site References C4S(O21), LPR(O22) and LPR(O23). Policy TR4 also proposes to allocated the nearby site of Peacock Farm C4S(O29) for development.
- 1.4. As will become apparent, our clients strongly object to these allocations and as such Policy T4 will be the main focus along with the relevant site-specific policy for the land, however other policies will also be referenced where relevant.

2. Policy TR4

2.1. As set out above, my clients' primary concern with the DPD relates to Policy TR4. This is a Strategic Policy that proposes to allocate specific numbers of pitches on specific sites. Of specific concern to my clients are the following proposed allocations:

- Chart View (rear of 1 Chart View) – 20 pitches – Site Reference C4S (O21)
- Land Rear of Chart View (Site A) – 2 pitches – Site Reference LPR (O22)
- Land Rear of Chart View (Site B) – 2 pitches – Site Reference LPR (O23)
- Peacock Farm – 15 pitches – Site Reference C4S (O29)

2.2. In respect of site LPR (O22), a footnote to the policy notes that the site is subject to planning application 25/503131/FULL which at the time of writing was awaiting a decision. It is noted that planning permission has now been granted for three pitches, one more than envisaged by Policy TR4. As planning permission has been granted we therefore do not object to this specific site, however we consider that this planning permission has implications for the other allocations as we will set out below.

2.3. The primary concern my clients have with Policy TR4 is the significant number of pitches that would result in the Rabbits Cross area as a result. The 3 pitches granted under planning permission 25/503131/FULL act as an infill site between two established gypsy and traveller pitches that border the site to the east and west. Further pitches exist further north on land on the eastern side of Chart Hill Road. The current number of pitches at Rabbits Cross, including those subject to planning permission, can be summarised as follows:

- Chart View 1 – 7 pitches
- Chart View 2 – 4 pitches
- Old Oak Paddocks – 3 pitches
- Hawthorn Lodge – 4 pitches (including those granted planning permission under 25/503131/FULL)

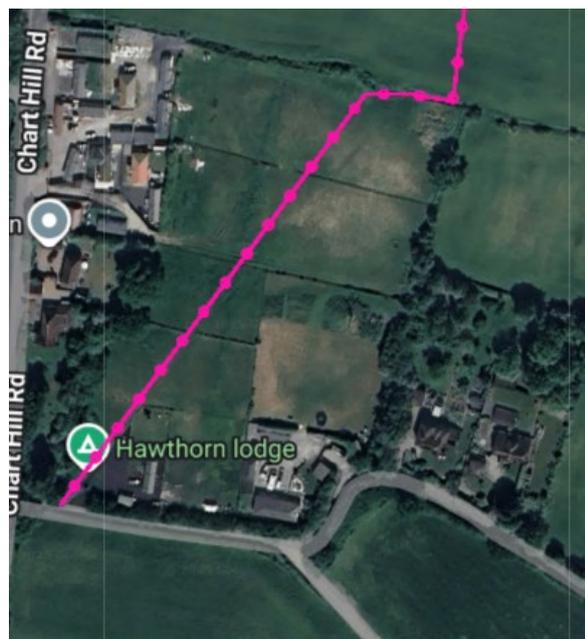
2.4. The area therefore already accommodates 18 gypsy and traveller pitches, including those subject to planning permissions that are expected to be implemented. Not including Site LPR (O22), which has been granted planning permission and is therefore accounted for in the existing figure, the DPD proposes to allocate a further 22 pitches at Rabbits Cross. Including the site now with planning permission, the DPD will therefore result in a further 25 pitches at the hamlet. This does not include the 15 pitches proposed at Peacock Farm which are also within the locality (approximately 1km north of Rabbits Cross).

- 2.5. This will drastically and permanently alter the character and appearance of the area from one of agricultural fields with sporadic residential development to one characterised by gypsy and traveller sites which typically involve a number of buildings per pitch and substantial area of hardstanding. The below extract from the proposed policies map highlights this – there are four ‘bricks and mortar’ residential sites shown along with the existing gypsy and traveller sites (the site allowed by appeal APP/U2235/C/24/3340802 is not shown), but with the additional pitches shown on the red hatching, the rural character of the area would be permanently altered to one dominated by gypsy and traveller pitches.



- 2.6. The cumulative impact of the proposed pitches in addition to the established pitches would be drastic and would lead to a feeling of the established settled community being surrounded by gypsy and traveller development. Whilst all development – including that allowed under application 25/503131/FULL – has previously focused on the road frontages, the 22 pitches proposed at C4S (O21) and LPR (O23) would in effect be backland development that would surround the established settled community.
- 2.7. This would fundamentally and irreversibly alter the character and appearance of this quiet rural area, significantly increasing the number of residential plots in the area to the detriment of the rural character and appearance of the area and the quality of life of the existing settled community.

- 2.8. It is noted that in allowing appeal APP/U2235/C/24/3340802 at Rabbits Cross, the Inspector at Paragraph 25 agreed that there was harm to the area as a result of the visual impact of the one additional pitch proposed, including views from the lane and the adjacent Public Right of Way. Although he did not consider this harm to be 'significant', nonetheless harm was weighed in the planning balance as the development was not considered to conserve and enhance the Low Weald, within which the site lies, nor could it be said that the development took account of the Council's Landscape Character SPD because the development harms the Beult Valley Landscape Character Area in which it sits. Consequently, the development was found to be contrary to policy in respect of its landscape and rural character impact.
- 2.9. It is relevant that these comments were made in the context of one additional pitch being proposed on the frontage with gaps remaining to the existing development and were also made before the three additional pitches were allowed under application 25/503131/FULL. The proposal to allocate a further 22 pitches in the area would lead to a substantial intensification of development in this rural area in comparison to previous proposals and effectively erode any gaps and set offs that exist at present.
- 2.10. The impact on the existing Public Right of Way (PRoW) is also a significant constraint. As highlighted by the below aerial photograph, this runs diagonally adjacent to the existing pitch at Hawthorn Lodge (the pitch allowed on appeal) but directly through both sites further north that are proposed for allocation. Whilst this could be potentially diverted to accommodate LPR (O23), it would not be possible to divert the PROW to accommodate C4S (O21). It would not be appropriate for a PRoW to run directly through a private residential site. No reference is made to the PRoW within the site-specific policy, and it would not be appropriate for the PRoW to be extinguished in order to accommodate this substantial development.



- 2.11. The proposed 22 pitches to the rear of 1 Chart View would therefore result in an adverse impact on an existing Public Right of Way. Either views from the PRoW would be substantially

altered and the footpath rendered inappropriate for use, or the PRoW will have to be extinguished. In either event, there would be a clear unacceptable adverse impact to users of this established right of way, further impacting the existing settled community.

- 2.12. Whilst the impact of one pitch at Hawthorn Lodge was not considered significant, the cumulative effect of the three further pitches at Hawthorn Lodge and the 22 listed to the rear of 1 Chart View proposed and the erosion of the gap would clearly result in significant harm to the landscape and rural character of the area, including users of the PRoW, and the quality of life of the existing settled community. The DPD proposes a significant intensification of gypsy and traveller pitches in an area where a substantial number of pitches already exist, and the DPD proposed a level of development that is disproportionate to the established quiet rural environment.
- 2.13. The substantial amount of development that would result is highlighted by draft Policies TR8 and TR9 which set specific requirements for allocated sites. Pitches are expected to accommodate an amenity block, a mobile home and a touring caravan as a minimum, therefore the allocation of 25 pitches would result in an additional 25 amenity blocks, 25 mobile homes and 25 touring caravans in the area; an additional 75 features overall. Whilst landscaping and biodiversity features will be required, it is clear from the examples given within the DPD that the pitches would likely be primarily comprised of hardstanding in order to accommodate the buildings and parking requirements. It is clear that what is proposed by the DPD would result in a substantial amount of development in a rural countryside setting.
- 2.14. In proposing these substantial sites at Rabbits Cross and Peacock Farm, the Council are contravening their own settlement hierarchy proposed at Policy TR1 which places the Countryside at the lowest tier of development (i.e., the part of the Borough that is least appropriate for development) below Maidstone itself, Garden Settlements, Strategic Development Locations, Rural Service Centres, Larger Villages and Smaller Villages. None of the sites at Rabbits Cross of Peacock Farm fall within any of these locations and are therefore Countryside.
- 2.15. The supporting text to Policy TR1 states that:
- “The countryside has an intrinsic rural character and beauty that should be conserved and protected for its own sake”***
- 2.16. It is considered that the allocations at Rabbits Cross and Peacock Farm are directly contrary to the Council’s own Spatial Strategy set by Policy TR1. They would also be contrary to the visions and objectives of the plan which refer to ‘Putting People and the Environment First’ with various references to environmental enhancements. It is considered that these allocations do not put either people or the environment first and would adversely impact the local character of the area of quality of life of the existing community, contrary to the stated aims of the DPD.
- 2.17. In addition, we have previously raised concerns in respect of previous proposals at Rabbits Cross that the number of gypsy and traveller sites in the area now dominate the existing

settled community. This consideration is made with reference to Planning Policy for Traveller Sites (PPTS) at Policy C and H as follows.

Policy C: Sites in rural areas and the countryside

14. When assessing the suitability of sites in rural or semi-rural settings, local planning authorities should ensure that the scale of such sites does not dominate the nearest settled community.

Policy H: Determining planning applications for traveller sites

26. Local planning authorities should very strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan. Local planning authorities should ensure that sites in rural areas respect the scale of, and do not dominate, the nearest settled community, and avoid placing an undue pressure on local infrastructure.

2.18. This was a matter that was discussed in some detail by the Inspector within appeal decision APP/U2235/C/24/3340802. In respect of this appeal, Pegasus Group argued that the development would be contrary to Policies C and H of PPTS drawing reference to the comments of a previous Inspector who, in allowing two single mobile homes on a site in Chart View in 2019¹, stated that the domination of the nearest settled community was “not an unfounded concern”, and that:

“Further growth of the sites(s) here could well mean that this relatively sparsely populates area (notably the immediate locality of Rabbits Cross hamlet) would become dominated, to the detriment of its character and community mix.”

2.19. In the recent (November 2024) appeal decision the Inspector suggested that there were nine or ten pitches in total at Rabbits Cross, compared with seven ‘bricks and mortar’ dwellinghouses, stating at Paragraph 22:

“There can be no doubt that the number of traveller pitches numerically dominates the number of bricks and mortar dwellings at Rabbit’s Cross, and it would seem likely that the number of individual traveller families would far exceed the seven families that live in nearby houses. I see no reason why an assessment of whether gypsy and traveller sites/pitches dominate the nearest settled community should exclude a hamlet like Rabbit’s Cross because its residents are just as capable of feeling ‘dominated’ as the residents of, say, Staplehurst, Chart Sutton or the local parish as a whole could be by traveller numbers exceeding the population of these settlements.”

¹ Appeal ref. APP/U2235/W/19/3223455

2.20. Paragraph 23 explains that the whole thrust of government planning policy for travellers is to ensure fair and equal treatment in a way that facilitates their traditional and nomadic way of life while respecting the interests of the settled community, stating:

“It seems to be that the adjacent caravan sites in Chart View (where the number of pitches are increasing) and Old Oak Paddocks already numerically dominate – in terms of numbers of families and dwellings– the settled community at Rabbit’s Cross.”

2.21. Paragraph 24 concludes on the issue, setting out that the appeal development infills land between Chart View and Old Oak Paddocks and that:

“Although there is no reason why all the current travellers living in the immediate vicinity, including the appellant and her family, and the members of the settled community should not live peaceably together, it is understandable if the latter feel they are dominated by their traveller neighbours. To the extent that they do, and particularly in terms of infilling the physical gap between the two existing larger traveller sites, I consider the proposed development to be contrary to PPTS Policies C and H.”

2.22. These remarks are highly relevant to consideration of the proposals within the DPD. This Inspector considered that there was already numerical domination at Rabbits Cross which was then increased by the additional pitch that was subsequently allowed on appeal and has been further since increased by the recent granting of planning permission for three further pitches. This was acknowledged by the Council in their allowing of that planning permission 25/503131/FULL, stating within the Delegated Report that the domination was contrary to national planning policy for traveller sites, and that:

“This proposal, which would intensify the use of the site, would contribute to a cumulative dominating effect, which is harmful to community balance and contrary to policy.”

2.23. The domination of the existing community was therefore already an established fact prior to the submission of this planning application and emphasised by the Officer within the Delegated Report. Nonetheless, the application was approved with the conclusion including the following remark:

“While I acknowledge that the proposal would contribute to the cumulative dominating effect of traveller sites in the Rabbit’s Cross area, an impact that is harmful to community balance and contrary to Policies C and H of the PPTS, the scale of this particular development is limited in the wider context.”

2.24. We disagree with this view because, as domination has already been established, any number of additional pitches would add to this effect, regardless of size. Regardless of this, however, this established domination would be exponentially exacerbated by the addition of 22 further pitches at Rabbits Cross, resulting in an outweighing of the settled community by a substantial number. The settled community remains at seven dwellings, as with the time of the appeal, however the number of pitches has now increased to 18 with the granting of

planning permission 25/503131/FULL, already doubling the number of pitches in comparison to 'bricks and mortar' dwellinghouses. Increasing this by a further 22 pitches to a total number of 40 would result in there being **over five times more** gypsy pitches than dwellinghouses in the local area. This would clearly be a disproportionate number of pitches compared to dwellinghouses in Rabbits Cross, substantially increasing the feeling of domination and clearly contrary to PPTS Policies C and H.

- 2.25. In addition, 15 further pitches are proposed nearby at Peacock Farm. It is noted that 3 pitches were recently granted planning permission under application 25/503191/FULL which are taken into account as part of the 15 proposed, however this would still mean a further 12 pitches on the site. From the Block Plan approved with that application there is clearly not sufficient space for an additional 12 pitches on that site. In general terms, an additional overall 15 pitches at Peacock Farm would further add to the domination of the settled population within the local area.
- 2.26. Whilst it is acknowledged that the Council has an undersupply of pitches and needs to find locations for them as part of the DPD, it is considered that Rabbit's Cross and Chart Hill Road have already accommodated more than its fair share of pitches in comparison to the rest of the Borough. This remains a countryside location and its rural character will be entirely undermined by the proposed allocations.
- 2.27. The previous Inspector also expressed concern (see Para 24 above) about the one additional pitch at Hawthorn Lodge eroding the physical gap between two existing larger sites at Chart View and Old Oak Paddocks, a gap that will be further eroded following the granting of planning permission 25/503131/FUL. The proposed allocations would again further erode this gap by substantially expanding the Chart View site and bringing it much closer both to Old Oak Paddocks and the recently approved sites to the west of Old Oak Paddocks.
- 2.28. Although it is acknowledged that this appeal was allowed, this was on the basis that the personal circumstances of the Appellant were given a substantial amount of weight, with issues such as the welfare and education of their children under consideration. These issues have no bearing on the current proposals to allocate a substantial number of additional gypsy and traveller pitches at Rabbits Cross, however this is a relevant point because, as is evident from the above, the Inspector found harm here in respect of one additional pitch in respect of domination, eroding the gap between sites and landscape character. Whilst in this previous instance the Inspector found that the personal circumstances of the Appellant outweighed the harm, this remains a live issue for the area that needs to be considered.
- 2.29. The previous Inspector found harm in respect of these matters as a result of one additional pitch. The current proposals to allocate an additional 22 pitches at Rabbits Cross – which would be an additional 25 over and above what the Inspector was considering at that time – would clearly result in substantial harm to the amenities of existing residents of Rabbits Cross through a feeling of domination by gypsy and traveller pitches, including the erosion of the physical gap between larger traveller sites. The addition of a further 15 pitches nearby at Peacock Farm would further increase these adverse impacts.



- 2.30. For these reasons, the proposed allocations at Chart View and Peacock Farm are considered to be inappropriate development that would result in substantial harm both to the character and appearance of this rural area and the amenities of the residents of nearby properties.

3. Summary and Conclusion

3.1. Paragraph 36 of the National Planning Policy Framework (NPPF) states that local plans and spatial development strategies are examined to assess whether they have been prepared in accordance with legal and procedural requirements and also to assess whether they are sound. Plans are considered 'sound' if they meet four criteria, listed at a-d of Paragraph 36. Criteria d requires that plans are:

“Consistent with national policy – enabling the delivery of sustainable development in accordance with the policies in this Framework and other statements of national planning policy, where relevant.”

3.2. It is our firm view that the DPD does not meet this requirement. The allocations at Rabbits Cross and Peacock Farm would result in harm to the rural character of the countryside including harm to users of an existing Public Right of Way, and adverse impacts upon the amenities of local residents through an over-domination of the area by gypsy and traveller pitches. The allocations would also be contrary to the Council's own Spatial Strategy set out at Policy TR1 of the DPD.

3.3. For these reasons, the proposed allocations at Rabbits Cross and Peacock Farm do not represent sustainable development in accordance with the policies of the NPPF and is contrary to Paragraph 36(d) of the NPPF. As such the DPD in its present state is unsound.

Town & Country Planning Act 1990 (as amended)
Planning and Compulsory Purchase Act 2004

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