



Appeal Decision

Site visit made on 14 November 2024

by B Pattison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6th January 2025

Appeal Ref: APP/U2235/W/24/3343884

Reeds Wood, Cox Street, Detling, Maidstone, Kent ME14 3HL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Kevin Rice against the decision of Maidstone Borough Council.
 - The application Ref is 23/501345/FULL.
 - The development proposed is Change of use of land to a luxury holiday park to comprising 6no. hard standing pitches, 2no. safari lodges, swim pond, cycle store and conversion of existing agricultural barn to a reception building with associated access, parking, foul water package treatment plant, 2no. surface water attenuation ponds with landscaping and lighting.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The National Planning Policy Framework (the Framework) was updated on 12 December 2024. However, the sections pertinent to this appeal have not changed to such an extent as to affect the matters raised by the main parties. It has not therefore been necessary to seek their views and the revised version has been referenced in this decision.
3. Since the Council issued its decision on the planning application, the new Maidstone Borough Local Plan Review 2021-2038 (MLPR) was adopted on 20 March 2024. As such, I have taken it into account in my decision. In regard to this appeal, the Council has clarified the relevant MLPR policies reflected in the reasons for refusal are LPRSP9 and LPRS14A. The appellant has provided comments on these policies.
4. The Council's second reason for refusal refers to the Kent Downs Area of Outstanding Natural Beauty (AONB). On 22 November 2023, all designated AONBs in England and Wales were renamed "National Landscapes". For this reason I have referred to the Kent Downs National Landscape throughout the decision.
5. The appeal submission includes a Biodiversity Enhancement Plan (BEP) which was not before the Council at the time of its decision. It is important that what is considered by the Inspector is essentially what was considered by the local planning authority, and on which interested people's views were sought. In this case, the BEP depicts additional detail in relation to ecological enhancement measures required by a planning condition proposed by the Council, rather than any amendments to the proposal. For this reason, I consider that there would be

no prejudice to any party by considering the BEP. I have therefore determined the appeal on the basis of the BEP.

6. The Council changed the description of the proposed development to that shown in the banner heading above. This is a generally accurate description of the development proposed which I have therefore used in this Decision.

Main Issues

7. The main issues are:

- The effect of the proposal on the landscape character and appearance of the area including the Kent Downs National Landscape (KDNL); and
- The effect of the proposal on ancient woodland.

Reasons

National Landscape

8. The appeal site is a rectangular grazed field and paddock surrounded on all four sides by Ancient Woodland (AW) known as 'Newlands/Burnt Woods', that is subject to a Woodland Tree Preservation Order (no. 11 of 1983). It is currently used by Chestnut Wood livery which is located to the west of the appeal site, and which can be accessed via a track through the AW. The appeal site and livery are under the same ownership. There are several existing structures within the appeal site including an agricultural barn and outbuildings. These have an understated, utilitarian agricultural appearance and are not especially prominent in views outside the site.
9. Paragraph 189 of the Framework states that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and National Landscapes which have the highest status of protection in relation to these issues.
10. Maidstone's Landscape Character Assessment (2013) (LCA), identifies the site as being within the Bredhurst and Stockbury Downs Character Area (CA). Key characteristics are identified as the mixture of arable fields, paddocks, remnant orchards and blocks of woodland, which form part of the KDNL and are primarily accessed via narrow lanes. The guidelines for the CA are to restore and improve. Furthermore, the summary of actions for the CA include improving the management of fields and land generally by reducing over-grazing, removing rubbish and caravans, and to avoid further built development which is out of context in terms of materials and design.
11. There is limited built form within the immediate area which consists primarily of isolated properties and farmsteads. Consequently, this part of Cox Street, and its surrounds, has a remote character and exhibits a number of the characteristics identified by the LCA. Overall, the appeal site which is surrounded by a block of AW makes a positive contribution to the landscape and scenic beauty of the NL.
12. The appellant's Landscape and Visual Impact Assessment (LVIA) confirms that the appeal site's landscape sensitivity and quality are moderate to high. I acknowledge that the LVIA outlines that, as a result of the mature woodland surrounding the appeal site, it has a high degree of visual enclosure within the

landscape. However, the LVIA identifies that there would be slight to moderate adverse visual impacts on a limited number of close-range views from Cox Street, through and near to the site access.

13. In particular, the existing site access from Cox Street would be widened and resurfaced in a resin bond, and a security gate installed. The proposed alterations would formalise the current understated entrance to the site. The creation of visibility splays would also result in the loss of vegetation within the AW. These changes would be highly visible on the approach along Cox Street, altering the character of this part of the rural lane.
14. Additional roads, walking paths and parking areas/pitches for motorhomes and caravans would be created within the site. The laying of these features, where currently there is none, would be visible from surrounding short distance vantage points within and surrounding the site on Cox Street. This, combined with the two proposed lodges and the caravans, motorhomes and other vehicles (when in situ) would result in built form spread across a large proportion of the site, which would have an urbanising effect. Furthermore, it seems to me that visitors are likely to bring additional camping and holiday paraphernalia for use during their stay. These combined factors would alter the character of the appeal site, which is currently a largely undeveloped field accessed via a quiet, rural lane.
15. The LCA identifies caravans in fields as a detractor within the CA and removing caravans is listed in its summary of actions. In contrast, the proposal would result in up to six caravans or motorhomes at a time being parked within the appeal site. As a result, and for the reasons identified above, I find that the proposal would cause harm to the landscape and scenic beauty of the KDNL.
16. I acknowledge that the proposed mitigation planting would consist of solely native species, including hedgerow and woodland planting, with gapping up, and would help mitigate adverse landscape effects in the first year. Whilst the mitigation planting would strengthen over the following years to year 15, the proposal would also have adverse landscape effects due to the associated increased traffic movements and introduction of noise from the site, which is currently very tranquil.
17. The appellant indicates an increase in vehicular traffic associated with the appeal site, with an anticipated 20 arrivals and 16 departures on a typical Saturday. There would be an increase in activity within the site including from parking associated with the proposal, within this rural location which would be harmful to its character. The increased activity, although limited by the scale of the proposal, would lead to noise and disturbance in a rural countryside setting. This would adversely impact the tranquillity of the site.
18. The expansion of the existing rural business would allow holiday makers to bring their horses on holiday with them. I acknowledge that the proposed holiday park is a business which, due to the nature of its business model, needs to be near the existing livery which is under the same ownership as the appeal site. However, within the KDNL, the Framework requires that I give great weight to conserving and enhancing landscape and scenic beauty and it has the highest status of protection in relation to these issues. This requirement is also reflected in Policy LPRSP9 of the MLPR, which also requires that account should be taken of the Kent Downs Area of Outstanding Natural Beauty Management Plan (2021-2026).

19. Considering the above, there would be a negative impact on this part of the KDNL, and as such, the proposal would fail to conserve or enhance the landscape character and appearance of the area. The proposal would therefore conflict with Policy LPRSP9 of the MLPR.
20. The Kent Downs Area of Outstanding Natural Beauty Management Plan (2021-2026) does not form part of the development plan but is a material consideration for planning purposes. For the same reasons, the proposal would conflict with principles SD3, SD7, LLC1 and WT1 which require development to conserve and enhance the character and qualities of the KDNL, whilst conserving its tranquillity.

Ancient Woodland

21. Paragraph 193(c) of the Framework identifies that AW is an irreplaceable habitat and that planning permission should not be granted for development that may lead to the loss or deterioration of that habitat unless there are exceptional reasons.
22. The AW surrounding the appeal site links to larger areas of AW, albeit it is physically separated from the Stockings Wood AW by the highway on Cox Street. The site is also within the Yalsted Local Wildlife Site (LWS). The proposal's layout would establish a fifteen metre buffer surrounding the AW, as required by the Natural England and Forestry Commission 'standing advice'. The submitted landscaping plan¹ indicates that the buffer would be planted with native planting including hawthorn, hazel and blackthorn.
23. No buildings are proposed within the buffer zone, and existing structures including a brickwork outbuilding, container, an old tractor shed and metal container would be removed from the buffer zone. The appellant indicates, and it is not disputed by the Council, that this would result in a 72% reduction in built form within the buffer.
24. Grassland within the appeal site, but outside the buffer, would be lost through the creation of the two lodges, access roads and paths within the site. The appellant's Preliminary Ecological Appraisal identifies that heavy horse grazing is damaging the sward in places and suppressing the growth of flowering plants. Consequently, there are insufficient indicator species and the grassland does not qualify as a priority habitat type. Therefore, much of the appeal site currently lacks semi-natural habitat.
25. The submitted evidence indicates that within the central parts of the appeal site grass and seed mix areas including pollinators interspersed and native hedgerows would assist in the creation of habitat corridors across the site. Furthermore, a number of measures including boxes for sparrows, house martins and bats, two ponds for amphibians, green walls, and log piles, compost heaps and rockeries for reptiles and amphibians are identified with the appellant's BEP.
26. Furthermore, a planning condition requiring the submission of a Woodland Management Plan is proposed. If implemented, these measures would collectively assist in improving the appeal site's ecological value through the creation of more diverse habitats and habitat corridors to encourage woodland fauna.
27. In addition to the planted buffer, livestock fencing would be incorporated to preclude recreational access to the AW. It seems to me that fencing which is designed to restrict the movement of livestock would successfully prevent children

¹ Drawing number: 22/3281A

or dogs from accessing the AW. This would prevent damage caused by trampling of ground flora. I note that the Woodland Management Plan, which could be secured by planning condition, would include additional details relating to the location and design of the fencing and further management of the buffer area.

28. The lighting layout plan² indicates the use of bollard lighting for wayfinding throughout the site and safety lighting of the amenity unit and lodges. The lighting has the potential to be intrusive and harmful to biodiversity, given the proximity to the AW and the site's location within a LWS.
29. A number of measures, as requested by Kent County Council's Biodiversity Officer, are proposed to mitigate the effects of artificial lighting within the appeal site. This includes wayfinder bollard lighting on 1 metre posts which would be reduced to 10% (0.5 Lux) between 21.00 – 07.00 hours. The passive infrared sensors to the lodge accesses and site entrances would be programmed to turn off after one minute, and any lighting within the pool area would be turned off at 21.00 hours. The woodland facing windows to the lodges would comprise of tinted windows to reduce domestic light spillage towards the AW. Collectively, these measures would prevent a harmful spread of lighting within the appeal site.
30. I note that the proposal would result in an increase in vehicular traffic associated with the appeal site. However, no substantive evidence has been put forward which demonstrates that the increase in vehicle movements would result in a harmful increase in nitrogen levels or water or soil pollution which would cause harm to the AW.
31. Given the relatively small number of guests who would be at the appeal site at a given time, I am not persuaded that people's voices would cause disturbance to wildlife. The appellant indicates that amplified music is a matter which could be controlled by planning condition.
32. Paragraph 193(c) of the Framework requires that, where there would be deterioration to AW, a suitable compensation strategy must be provided. As I have found that the proposal would not result in deterioration of the AW, there is no requirement for a compensation strategy.
33. For the above reasons, I conclude that the proposal would comply with policy LPRSP14(A) of the MLPR and the advice in the Framework. Amongst other things, these require development to protect positive landscape character including areas of AW.

Planning Balance and Conclusion

34. The development would create holiday accommodation associated with the expansion of an existing rural business. The proposal would promote tourism as a means of economic growth and I have no reason to doubt that tourism makes a positive contribution to the local economy. It is not disputed that there is support in both local and national policies for the rural economy and tourism.
35. However, given the size of the proposal, these are small benefits that are outweighed by the conflict with the development plan, and the Framework which requires that I give great weight to conserving and enhancing the KDNL's

² Drawing number: 22/3280A

landscape and scenic beauty and it has the highest status of protection in relation to these issues.

36. The proposal may be compliant with various other provisions of the development plan, such as in relation to car parking and drainage arrangements. I have also found that the proposal would not have a harmful effect on ecology or biodiversity associated with the AW, which would benefit from a new 15 metre buffer. However, the absence of harm or conflict with other relevant development plan policies is a neutral factor and does not weigh in favour of the proposal.
37. I therefore conclude that the proposal would conflict with the development plan as a whole and there are no considerations, including the Framework, that indicate otherwise. Consequently, the appeal should be dismissed.

B Pattison

INSPECTOR