



Appeal Decision

Site visit made on 5 November 2025

by A Knight BA PG Dip MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th November 2025

Appeal Ref: APP/U2235/W/25/3366952

Still Acres Touring and Camping Park, Longend Lane, Marden, Kent TN12 9SE

- 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 K Still against the decision of Maidstone Borough Council.
 - The application Ref is 24/503758/FULL.
 - The development proposed is demolition of all stables (9 in total), removal of longstanding lorry bodies and change of use of land from paddock to residential and wildflower meadow to allow the siting of 1 No. caravan.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have removed the words 'revised application further to APP/U2235/W/22/3311667' from the description of development in the banner heading above, as that is not a form of development.
3. The fifth and sixth reasons for refusal concerned the failure to demonstrate that protected species would not be adversely affected, and that appropriate biodiversity net gain would be delivered. As part of the appeal a Preliminary Ecological Appraisal, a Roost Assessment and Great Crested Newt Report, and a Biodiversity Net Gain Assessment have been supplied. Having considered these documents the Council has, subject to appropriate conditions if the appeal is allowed, concluded that both reasons for refusal can be withdrawn. I see no reason to take a different view.

Main Issues

4. The main issues are:
 - Whether the appeal site has poor environmental value and, if so, whether exceptional circumstances exist to justify the proposed development;
 - The effect of the proposed development on the character and appearance of the area; and
 - The effect on flood risk.

Reasons

Environmental value & exceptional circumstances

5. The appeal site includes a grassed paddock. At one end is found a block of nine stables, at the other two lorry trailer bodies. Otherwise, the site is open. There is no dispute that the site comprises Previously Developed Land (PDL) or that it is in the countryside.
6. Policy LPRHOU1 of the Maidstone Borough Local Plan Review (2024) (the Local Plan) addresses development on PDL. It sets out two requirements for proposals outside of the countryside, and a further two for those within it. As such, the appeal scheme must satisfy all four requirements to have the support of the policy, though even then, that support is predicated on the circumstances being exceptional.
7. The first requirement, and only relevant one for the appeal, is that the site has poor environmental value. This term is not defined. The main indication I have from the Council as to its meaning in this context is an observation that it... 'cannot be argued that the current modest development on the site has not blended into the landscape'.
8. The phrase 'blended into the landscape' appears in the National Planning Policy Framework (the Framework), which states that land which was previously developed, but where the remains of the permanent structure or fixed surface structure have blended into the landscape, can no longer be defined as PDL. As the parties agree the site is PDL, I take it the phrase 'blended into the landscape' should be taken on face value, and without reference to the definition. The phrase seems simply to indicate that the visual appearance of the land may inform its environmental value.
9. The appellant contends that the appeal scheme would enhance the site in terms of appearance and biodiversity, would not harm the natural environment or result in an isolated dwelling, and would be less incongruous than the existing stable development, particularly if it were to be completed in accordance with the plans approved under application ref 15/501877 (the approved plans). Even if I were to accept all of this, however, it would not mean that the site is in poor environmental condition. That is the requirement of Policy LPRHOU1, and if it is not met then the appeal scheme cannot have the support of the policy.
10. Both parties have drawn my attention to a previous appeal decision¹ in which the appeal site, then apparently in much the same condition as I found it on my own visit, was found to make "a positive contribution to the generally rural character and appearance of the area". It was also found that even if the approved plans were built out, it would "not significantly diminish the existing rural character and appearance of the paddock".
11. I see no reason to take a different view. The stable block is a simple structure, traditional in form and appearance, and not displeasing visually. The lorry trailers are somewhat tired looking but are positioned discreetly to the edge of the paddock against a bank of trees and are relatively inconspicuous. Otherwise, the site is grassed, open, and quite pleasant. A timber post and rail fence used to create a small enclosure is of good quality. The unfinished aspects of the

¹ Appeal Decision APP/U2235/W/22/3311667.

approved plans comprise access and parking areas associated with the stables. These would add to the extent of development, but in a manner appropriate to the equestrian use of the land.

12. Overall, I see no reason to find that the site has poor environmental value. The appellant has provided an account of their personal circumstances, which they consider to be exceptional circumstances for the purpose of Policy LPRHOU1. Whilst I shall consider those personal circumstances separately in my determination, as I have not found the site to have poor environmental value the appeal scheme cannot comply with Policy LPRHOU1 even if exceptional circumstances exist. As such, for the purposes of this part of my determination the appellant's personal circumstances do not stand to be considered.

Character and appearance

13. Caravans and residential development exist in the area around the appeal site; Seasonal holiday caravans, stored touring caravans, and a warden's permanent caravan are found on the wider Still Acres Touring and Camping Park, a facility which includes the appeal site. East of the site are found two approved gypsy and traveller pitches. A small settlement, based around Collier Street, is found to the west.
14. These developments, however, occupy a very small proportion of what is otherwise undeveloped land. The extent to which the Still Acres caravans occupy the wider park is constrained by way of planning conditions, such that the plot remains largely undeveloped. In this way, the park is in keeping with the surrounding area, which is split mainly into paddocks and arable fields enclosed by trees and hedgerows. These are interspersed with belts of woodland. It is an area characterised primarily by rural charm and natural beauty.
15. The appeal site is not undeveloped. However, the presence thereupon of stables and associated development is in keeping with the wider rural setting. The vegetation surrounding the site sufficiently encloses it and separates it from the other developed parts of Still Acres that it appears part of the open area of the park, which itself is part of the undeveloped wider setting. As such, the appeal site adheres and contributes to the rural charm and natural beauty of the area.
16. My attention has been drawn to an appeal decision² in which a distinction was drawn between open countryside, and an area of open fields broken by limited amounts of vegetation and hedgerows. Even if the latter term is used to describe either the appeal site or the local area, the character of both is still overwhelmingly rural and verdant.
17. The appeal scheme involves the removal of the lorry bodies and the stables and the siting of a caravan. It differs from the scheme considered in the previous appeal in that the stable block would be removed entirely, the caravan would be positioned at a different angle, offset to the boundary, and a wildflower meadow would be planted.
18. The appeal scheme does not overcome the fundamental reason the previous appeal was dismissed; It would introduce a residential use, with accompanying light, sound, paraphernalia, and activity, to a site which is currently rural. In so

² Appeal Refs APP/P1940/C/11/2164949 & APP/P1940/A/11/2160486

doing, the appeal scheme would significantly harm the existing character of the site, and the contribution it provides to the wider rural setting. The stables development, including the lorry bodies, and the unfinished elements, are not overly harmful to that rural character and so their removal would do little to counterbalance the harm described. The wildflower meadow would no doubt be a pleasant feature, at home in the verdant setting, but these things are true of the site already; the meadow would provide little benefit in that respect.

19. I recognise that views of the site from the public sphere are limited, but the appeal scheme development would be seen by occupants of the site and of the park, and, to some degree, by occupants of surrounding land.
20. The proposed development would harm the character and appearance of the area, in conflict with Policies LPRSP9, LPRSP15, LPRHOU1, and LPRQD4 of the Local Plan, where they require development to avoid significant harm to the rural character and appearance of the area, and to respond positively to, and where possible enhance, the natural character of the area.

Flood risk

21. The appeal site is in Flood Zones 2 and 3. The caravan would be in Zone 2. The Framework states that a sequential risk-based approach should be taken to individual applications, the aim being to steer new development to areas where the risk of flooding is lowest. To this end, the Framework is explicit that development should not be permitted if there are reasonably available sites. appropriate for the proposed development, in areas with a lower risk of flooding.
22. Submissions by the appellant, including a Flood Risk Assessment (FRA), do little to demonstrate that there are no reasonably available alternative sites for the proposed development. Indeed, the appellant has not contested the Council's assertion that there are even parts of Still Acres park which are better suited in that respect. Overall, the sequential test has not been satisfied.
23. Planning Practice Guidance (PPG) states that the Exception Test should only be applied if the Sequential Test has shown there are no reasonably available, lower-risk sites, suitable for the proposed development, to which the development could be steered. That is not evidently the case in this instance.
24. Even if the exception test is applied, the appeal scheme does not satisfy it. The test requires (firstly) that the development provide wider sustainability benefits to the community that outweigh the flood risk, and (secondly) that it be safe for its lifetime, not increase flood risk elsewhere, and, where possible, will reduce flood risk overall. The Council is content that the second requirement would be met and, noting the mitigation measures proposed in the FRA and the implications of a Flood Evacuation Plan for the wider park, I see no reason to see things differently.
25. In respect of the first requirement, however, the PPG cites the re-use of suitable brownfield land as part of a local regeneration scheme; an overall reduction in flood risk to the wider community through the provision of, or financial contribution to, flood risk management infrastructure; or the provision of multifunctional Sustainable Drainage Systems that integrate with green infrastructure, significantly exceeding Framework policy requirements as examples of wider sustainability benefits to the community that may satisfy the first part of the exception test.

Whilst the list is not exhaustive, it provides a clear indication as to the scale of benefit that is required.

26. The appeal scheme comprises private accommodation in the form of a single dwelling. That would bring modest social and economic benefits to the area, even if assistance in the operation of the park is included. The meadow may contribute to biodiversity but given the undeveloped nature of the site at present, I have little reason to think the gains would be significant. The appeal scheme would not provide wider sustainability benefits to the community that would satisfy the exception test.
27. I recognise that the Environment Agency (EA) did not object to the application, but its comments set out the limit of their remit; assessing the proposal against the sequential and exception tests was for the Council to undertake. The absence of objection from the EA does little to alter the findings set out above.
28. I note the appellants observations that the neighbouring pitches were approved following a comparable approach to flood risk. On the evidence before me, that application was assessed against Policy DM15 of the Maidstone Local Plan 2017, which pertained to gypsy, traveller, and travelling show people accommodation. I have little to show me that the application of Policy DM15 did not lead to a different outcome against the sequential and exception tests. I attach minimal weight to that decision as a result.
29. Given the above, the proposed development does not satisfy the sequential test and, as such, would conflict with Section 14 of the Framework and the PPG. It also does not satisfy the exception test. As such, it would have an unacceptable effect on flood risk.

Planning Balance

30. As of 1 April 2025 the Council had a 4.5 year supply of housing land. The provisions of paragraph 11(d) of the Framework are engaged.
31. The appeal scheme would result in an additional dwelling that could be provided quickly, helping towards undersupply in the Borough, and supporting the wider Governmental aim of significantly boosting housing supply. A mix of temporary and lasting economic benefits would accrue from the work undertaken on site and from residential occupation thereafter. These benefits attract positive weight in my determination, but only to a limited extent given the modest scale of the scheme.
32. Whether the site is in a sustainable location was considered in detail in the previous appeal, and the Council has not taken issue with those findings. I see no reason to take a different approach; the accessibility of the site to services and facilities does not weigh against the proposal. That said, introducing a residential dwelling to the countryside without compliance with Policy LPRHOU1 does not indicate an approach that makes an effective use of land. Given the appeal scheme would harm the character and appearance of the area, I do not find it to secure a well-designed place. There is no provision of affordable housing.
33. I have been provided with accounts setting out the implications of the appeal scheme for the appellant and his family. Broadly, these can be split into benefits for the family and for the Still Acres business. Whilst, as I have set out above, personal circumstances are not, in this instance, capable of bringing about

compliance with Policy LPRHOU1, they may nevertheless carry weight in the wider planning balance.

34. The PPG states that, generally, the planning system is concerned with land use in the public interest, so the protection of purely private interests are often not material planning considerations. Whilst I sympathise with the family's desire for what they consider would be a better life, given my assessment above that desire does not amount to a material consideration of sufficient magnitude to outweigh the conflict found with the development plan.
35. Insofar as the benefits to the business are concerned, I have been provided with little to show me that any support the appellant may benefit from could not be provided, either from family members or through employing staff, without reliance on the appeal scheme. I attach minimal weight to those benefits, therefore.
36. Overall, the benefits of the appeal scheme carry modest weight. Against this, the scheme conflicts with the policy setting the strategic approach to previously developed land in the countryside, which itself has recently been through examination. Furthermore, the Framework is clear that well designed, beautiful places are a key part of sustainable development, that development should only be allowed in areas at risk of flooding where the sequential and, where relevant, exception tests are satisfied. Overall, the harms associated with the appeal scheme would significantly and demonstrably outweigh the benefits.

Conclusion

37. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. The appeal is dismissed.

A Knight

INSPECTOR