



Appeal Decision

Site visit made on 10 February 2026

by E Dade BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 February 2026

Appeal Ref: APP/U2235/W/25/3376111

Yelsted Farm, Yelsted Road, Yelsted, Kent ME9 7UT

- 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 George Treeby against the decision of Maidstone Borough Council.
 - The application Ref is 25/503181/FULL.
 - The development proposed is erection of a day room.
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Decision

1. The appeal is allowed and planning permission is granted for erection of a day room at Yelsted Farm, Yelsted Road, Yelsted, Kent ME9 7UT in accordance with the terms of the application, Ref 25/503181/FULL, subject to the conditions in the attached schedule.

Preliminary Matters

2. As indicated by the application form, the proposal has been implemented and is complete. I have had regard to intentional unauthorised development, below.
3. The application form describes the proposal as “retrospective planning application for a day room...”. The definition of development at section 55 of the Town and Country Planning Act 1990 makes no distinction between proposals for development and those made retrospectively. Therefore, in the interests of clarity, in the header above and formal decision I have amended the development description to reflect the proposal which relates to the erection of a day room. In addition, I have omitted the site address from the development description to avoid unnecessary duplication.

Main Issue

4. The main issue in this appeal is the effect of the development on the character and appearance of the area, having particular regard to the landscape and scenic beauty of the Kent Downs National Landscape.

Reasons

5. The appeal site is a spacious, rectangular plot which includes a brick-and-mortar dwelling prominently sited near the boundary with the public highway. In addition, the site contains a static caravan, touring caravans, the day room that is the subject of the appeal proposal, and outbuildings and hardstanding used for storage of vehicles and materials associated with the appellant’s business.
6. The site is landscaped with formal garden areas comprising planted borders, raised beds, ornamental trees and shrubs, areas of mown lawn, and a gravel

driveway sweeping between the two vehicular accesses. The built form and maintained garden areas provide the site with a domestic, residential character.

7. Along Yelsted Road is a sporadic row of dwellings which, together with the cluster of houses around the junction with Yelsted Lane, forms a hamlet. The area is rural in character, and the surrounding landscape predominantly comprises agricultural land, paddocks and pockets of woodland. The appeal site is enclosed by established, mature vegetation along its boundaries which provide separation from surrounding countryside.
8. The site is within the Kent Downs National Landscape. The statutory purpose of National Landscapes is to conserve and enhance the natural beauty of the area. Section 245 of the Levelling-up and Regeneration Act 2023 requires relevant authorities 'seek to further' the statutory purposes of Protected Landscapes, including National Landscapes. Similarly, National Planning Policy Framework (the Framework) paragraph 189 requires great weight be given to conserving and enhancing the landscape and scenic beauty in National Landscapes, which have the highest status of protection in relation to these issues.
9. The Maidstone Landscape Character Assessment 2012, amended 2013, (LCA) indicates the site is within Bredhurst Dry Valleys, a collection of dry and mostly wooded valleys located to the north of Maidstone on the upper plateau of the North Downs. The key characteristics of the landscape are its gently undulating landform; large woodland blocks; flint rubble above ground; chalk grassland pasture; Yelsted village, scattered farmsteads and recent settlements, featuring a mixture of historic and recent buildings; distinctive historic yellow brick walls and traditional buildings, featuring yellow and red brick, flint and exposed timber framing; narrow lanes lined by tall, gappy hedges. As a large plot with a dwelling and cluster of buildings and structures, the appeal site has the appearance and form of a scattered farmstead and thus is characteristic of its landscape setting.
10. The existing static caravan provides accommodation for a family comprising three adults and two children. The day room has been constructed for the purpose of providing ancillary living accommodation for the occupants of the static caravan, of which, an elderly occupant is in poor health requiring additional space and facilities to meet their day-to-day needs; the school-age children would reasonably require space for play and study; and the appellant operates their long-established business from the site.
11. During my site visit, I noted the day room's kitchen/dining area was fitted with appliances, cupboards, and work surfaces; the laundry was in use for airing and ironing clothes; the lounge was laid out with sufficient seating to accommodate the occupants; the office provided equipment and space for work or study; and the storage room contained toys and typical household items. The day room appears well-equipped to meet modern living standards of a family comprising five persons of differing ages and needs.
12. Even taking into account that the family's accommodation needs are met principally by the existing static caravan, I found nothing alarming about the scale of the dayroom and do not consider its size, layout, or facilities to be excessive within the context of the family it serves.
13. Whilst the Council assert the day room must be subordinate to the static caravan, I have been provided no policy or design guidance stipulating this requirement. In

addition, Planning Policy for Traveller Sites (PPTS) contains no specific design guidance for day rooms and does not set any limitation on scale.

14. The Council suggest that, due to its scale, the day room could be used as a separate dwelling. However, such a use would not reflect the description of development. Occupation as a dwelling would be a material change of use requiring a separate grant of planning permission. Therefore, the day room cannot lawfully be occupied as an independent dwelling within the scope of the proposal and terms of my decision.
15. The Council assert the day room would not be consistent with the character of ancillary buildings typically found on Gypsy and Traveller sites. However, I have been provided no local policies or guidance specifying the design of buildings of this type. Rather, PPTS paragraph 1.4(k) requires I have due regard to the protection of local amenity and local environment.
16. The day room has a rectangular plan form, is of single storey height, and has a pitched roof. It has a muted colour palette, finished in painted timber cladding and a slate roof. Since the day room shares the site with a brick-and-mortar dwelling, its domestic appearance is in keeping with the site's residential character.
17. The day room is of substantially lesser scale and volume than the brick-and-mortar dwelling and is akin to the form of the static caravan and outbuildings within the site. The scale, design, height, bulk, and appearance of the day room would therefore be in keeping with surrounding built form. It does not alter the domestic character of the site and thus does not have an urbanising effect upon it.
18. Yelsted Road is a rural lane with no footway or lighting and infrequent traffic. The narrow carriageway is flanked by dense hedgerows which prevent long distance views of the site.
19. The day room is set back in the site, behind the building line of the existing dwelling. It is sited near the vegetated northern boundary and oriented with its narrow gable end facing toward the public highway. On the approach from the north and south, the day room is concealed from view by hedgerows, woodland, and the site's boundary vegetation. The day room is well-contained by the established site boundaries and does not encroach into the countryside.
20. From the vehicular access situated toward the north of the site, the top of the day room's gable end is visible above the tall, solid gate, and set back from the carriageway. Therefore, the day room is only partly visible from the public highway, and views are highly localised, experienced as fleeting glimpses by infrequent passing road users. Consequently, the day room is not visually prominent within the street scene and does not appear obtrusive within its landscape setting.
21. The LCA¹ sets out a number of actions to achieve the aim of restoring and improving the landscape. The development has no effect on the conservation of ancient woodland, chalk grassland, hedgerows, or historic buildings. It would not conflict with nor undermine the aims of the LCA.
22. For these reasons, I am satisfied the proposal would maintain the landscape and scenic beauty of the Kent Downs National Landscape and would not harm the character and appearance of the area.

¹ Page 59

23. The proposal is therefore compatible with the statutory purposes of Protected Landscapes, and complies with Policy LPRSP9, and of Maidstone Local Plan Review 2024 (LPR) which requires great weight be given to the conservation and enhancement of the National Landscape and indicates proposals should not have a significant adverse impact on the settings of the National Landscape.
24. In addition, the proposal would satisfy LPR Policy LPRQD4, which requires the type, siting, materials and design, mass and scale of development and the level of activity maintain, or where possible, enhance local distinctiveness including landscape features, and any impacts on the appearance and character of the landscape be appropriately mitigated
25. Furthermore, the proposal would support LPR Policy LPRSS1 which seeks to ensure the accommodation needs of the gypsy, traveller and travelling showpeople community are met in full.

Other Matters

26. Intentional unauthorised development is a material consideration to be weighed in the determination of appeals. However, since I have found the development would not harm the character and appearance of the area, including the scenic beauty of the National Landscape, this weighs neither for nor against the development.

Conditions

27. The Council has provided a list of suggested conditions which I have considered against the requirements of the Framework. Since the development has commenced, the proposed time limit for implementation would not be necessary. However, in the interests of certainty, I have specified the approved plans. To ensure the day room remains ancillary to the existing static caravan, I have included the suggested condition restricting its use only to Gypsies and Travellers.
28. To safeguard the character and scenic beauty of the Kent Downs National Landscape, I have included a condition restricting any further external lighting.
29. I have included a condition requiring submission of a site development scheme, requiring details of foul sewage treatment, potable and wastewater disposal, and external lighting, in the interest of protecting health and the environment, including the landscape quality and character. However, in my reasoning, I did not identify a need for further planting, and it has not been demonstrated that policies of the development plan would require a development of this type provide a biodiversity enhancement scheme or provision of decentralised and renewable or low-carbon energy. Therefore, I have not included these requirements since they would not be necessary to make the development acceptable in planning terms.
30. The site's existing lawful use includes the siting of a mobile home for occupation by a Gypsy and Traveller family. I have no compelling reason to consider this permanent use is likely to cease and therefore do not consider the suggested condition requiring site clearance would be necessary.
31. In addition, I have not imposed the suggested conditions relating to the removal of permitted development rights. Paragraph 55 of the Framework indicates planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so. The Framework does not suggest permitted development rights are incompatible with national landscapes.

Conclusion

32. For the reasons given above, having regard to the development plan taken as a whole and all other relevant material considerations, I conclude the appeal should be allowed.

E Dade

INSPECTOR

Schedule of conditions

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans: E101 - Pre-existing site plan; E102 - Pre-existing floor plan and elevations; M001 - Location plan; M002 - Aerial plan of existing development; P201 - Existing site plan; P202 - Existing floor plan and elevations.
- 2) The site shall not be occupied by any persons other than Gypsies and 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, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.
- 3) Within 3 months of the date of this decision a scheme, hereafter referred to as the Site Development Scheme, shall be submitted for the written approval of the local planning authority. The Site Development Scheme shall include:
 - i) details of foul sewage treatment, along with details regarding the provision of potable water and waste disposal and to include the location and size of individual septic tanks and/or other treatment systems. Information provided shall include any pertinent information as to where each system will discharge to;
 - ii) details of existing external lighting, including number and type/strength of this lighting, and its locations.

Upon implementation of the approved Site Development Scheme, that Scheme shall thereafter be maintained/retained.

- 4) Notwithstanding the details approved pursuant to condition 3 of this permission, no further external lighting, whether temporary or permanent, shall be placed or erected within the site unless details are submitted to and approved in writing by the local planning authority. Any details to be submitted shall be in accordance with the 2005 Institute of Lighting Engineers Guidance Notes for the Reduction of Obtrusive Lighting, GN01 (and any subsequent revisions), and shall include a layout plan with beam orientation and a schedule of light equipment proposed (luminaire type; mounting height; aiming angles and luminaire profiles) and an ISO lux plan showing light spill. The development shall thereafter be carried out in accordance with the approved details and maintained as such thereafter.

END OF SCHEDULE