
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: 23 February 2026

Appeal Ref: APP/U2235/W/25/3374780

Land to the west of Mill Lane, Yalding ME15 0RQ

- 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 Mrs Anna Al-Shawi against the decision of Maidstone Borough Council.
 - The application Ref is 25/502993/FULL.
 - The development proposed is demolition of existing timber storage shed and erection of a detached garage and storage building.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The site address in the header above is taken from the planning application form. For clarity, I have included the postcode stated on the decision notice.

Main Issues

3. The main issues in this appeal are:
 - The effects of the proposed development on the character and appearance of the area; and
 - Whether the biodiversity gain condition as set out at Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021) is capable of being successfully discharged.

Reasons

Character and appearance

4. The site is a triangular plot of land adjacent to the River Beult. The eastern boundary abuts the public highway of Mill Lane. To the north and west are agricultural fields. The site is in a rural, countryside location.
5. The site is used for camping and outdoor recreation activities on an occasional and informal basis. Set in toward the middle of the site, a small timber shed is used for storage of equipment and is of limited visual prominence from the public highway. Access is provided via a small gate at the northern corner near the junction with Vicarage Road and West Street. The site is principally undeveloped and vegetated, comprising a mix of mature trees, shrubs, and areas of grassland, and contributes positively to the verdant and rural character of the area.

6. The proposed building would have a footprint of 32sqm and a height of 4.9m and therefore would be substantially larger in scale than the shed it replaces. The building would have a pitched, half-hipped roof with a high eaves line. The end elevation would include a garage door and a window at the gable, and there would be a pedestrian access door in the side elevation. The building would have the form and appearance of a domestic garage.
7. The proposed design seeks to reflect the local vernacular, including through use of external materials such as roof tiles, timber cladding, and timber garage doors. However, since the area is predominantly free of development, the proposed design would not successfully assimilate the building with its surroundings.
8. The proposed building would be sited near the boundary to Mill Lane and close to the gated access. No trees are proposed for removal, and the eastern boundary comprises a row of mature trees which would partly screen views of the proposed building from Mill Lane. However, the northern section of the site is less vegetated and is broadly open to the highway. From West Street, Vicarage Road, and on entering the junction to Mill Lane, the proposed building would be clearly visible through and over the boundary fence and via the gated access. Therefore, the vegetated boundaries would not adequately mitigate the visual impact of the proposed building, which would appear visually prominent within the street scene.
9. The proposal would introduce significant built form in a rural location characterised by its absence of development. The proposal would have an urbanising effect on the site, resulting in encroachment into the countryside that would fail to recognise the intrinsic character and beauty of the countryside. For these reasons, the proposal would harm the character and appearance of the area.
10. The proposal would therefore conflict with Maidstone Borough Council Local Plan Review 2024 (LPR) Policy LPRSP9 which permits development in the countryside only where it will not result in significant harm to the rural character and appearance of the area.
11. In addition, the proposal would fail to satisfy the design criteria of LPR Policies LPRSP15 and LPRSPQD4 which together require proposals create high quality design and to positively respond to or enhance the local natural or historic character of the area, with particular regard to scale, height, materials, and other details; ensure that the type, siting, materials and design, mass and scale of proposals would maintain or enhance local distinctiveness; and be located adjacent to existing buildings or be unobtrusively located and well screened by vegetation, which reflect the landscape character of the area.
12. LPR Policy LPRCD7, cited on the Council's decision notice, applies to equestrian development and is not relevant to the appeal proposal.

Biodiversity Net Gain

13. Biodiversity Net Gain (BNG) is a mandatory requirement of Schedule 7A of the Town and Country Planning Act 1990 (TCPA) (as inserted by Schedule 14 of the Environment Act 2021).
14. The appeal site comprises uncultivated land situated between agricultural fields and the River Beult, which is designated as a Site of Special Scientific Interest, reflecting its ecological importance. The site is extensively vegetated with patches

of dense shrubs, mature trees along the boundaries and interspersed across the site, and open clearings of grassland. Due to the relationship to the river habitat and the extent and mix of vegetation, I consider the site offers a variety of habitat types and is of biodiversity value.

15. The Planning Practice Guidance (PPG) indicates that, when providing reasons for the de minimis exemption to BNG, the appellant should provide sufficient evidence to support their justification¹. The proposal provides no objective evidence to support the conclusion that the site is of low ecological value and contains no priority habitat. Furthermore, the site area and footprint of the proposed building would exceed the 25sqm minimum threshold. Therefore, the de minimis exemption would not apply to the proposed development.
16. The proposal does not contain the minimum information required by Article 7 of The Town and Country Planning (Development Management Procedure) (England) Order 2015. The statutory framework for BNG involves the discharge of the biodiversity gain condition following the grant of planning permission. The determination of the Biodiversity Gain Plan (BGP) under this condition is the mechanism to confirm whether the development meets the biodiversity gain objective and development cannot commence until the BGP is approved. The PPG indicates it would generally be inappropriate to refuse permission on grounds the biodiversity gain objective will not be met but indicates decision makers may need to consider more broadly whether the biodiversity gain condition is capable of being successfully discharged².
17. The appellant asserts the proposed building would be sited on an area of existing mown or lightly vegetated grass with no requirement to remove trees or significant vegetation. The site would be accessed via the existing small gate to the highway, and no additional hardstanding is proposed. Therefore, reflecting the scale of the development, the total area of any habitat loss would be relatively small.
18. The appellant suggests biodiversity enhancement could be secured through planning conditions, such as integrated features within the building, including bat or bird boxes, planting of native species in adjacent areas, and sensitive management of the surrounding vegetation to enhance habitat value. In addition, lighting associated with the structure could be controlled by planning condition to prevent disturbance to wildlife.
19. However, since the proposal does not quantify the site's existing biodiversity value or the proposed ecological enhancement, it does not demonstrate that at least a 10% increase in biodiversity value relative to the pre-development biodiversity value of the onsite habitat would be achieved.
20. In addition, the TCPA requires the post-development biodiversity value be maintained for at least 30 years. I have been provided no mechanism to ensure the site's biodiversity value would be maintained and monitored over the long term, and that any habitat loss can be effectively enforced against.
21. For these reasons, the proposal fails to demonstrate the biodiversity gain condition is capable of being successfully discharged and would therefore conflict with the requirements of Schedule 7A of the Town and Country Planning Act 1990.

¹ Paragraph: 004 Reference ID: 74-004-20240214

² Planning Practice Guidance, Paragraph: 019 Reference ID: 74-019-20240214

Other Matters

22. The existing shed has been the subject of repeated thefts. The appellant asserts the proposed building would provide a more secure facility for the storage of camping and outdoor equipment. Therefore, the proposal would provide a small public benefit through reducing the opportunity for crime.
23. However, the proposed building would be significantly larger than the shed it replaces, would incorporate vehicle storage, and would be sited in a more visually prominent location. It is unclear how these aspects of the design relate to the purpose of improved security of stored equipment and I am not satisfied that all options to enhance the site's security have been fully explored.
24. The benefits of the scheme in respect of enhanced security and reducing crime would not outweigh the adverse impacts on the character and appearance of the area and biodiversity, and the associated conflict with the development plan and legislation, which carries significant weight against the proposal.

Conclusion

25. The proposal would conflict with the development plan as a whole and there are no other considerations which outweigh this finding. Therefore, for the reasons given the appeal should be dismissed.

E Dade

INSPECTOR