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## Appeal Decision

Site visit made on 24 February 2026

**by Jane Smith MA MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 13 March 2026

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**Appeal Ref: APP/U2235/W/25/3372369**

**The Depot, Sandway Road, Sandway, Kent ME17 2LX**

- 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 M Patel (Pod-Trak Limited) against the decision of Maidstone Borough Council.
  - The application Ref is 25/500929/FULL.
  - The development is described as 'the proposal is seeking retrospective consent for the erection of a 6.83m high 'Zappa Shelter' which comprises of 2no. 40ft shipping containers spaced at 11.12m apart with tubular steel framed truss system, to bridge over the gap, and a white poly-fibre covering which enclose the space'.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. The Zappa Shelter and shipping containers have already been installed, so I am considering the appeal retrospectively. At the time of my site visit, there were no end panels installed on the Zappa Shelter, but the shipping containers and arched polyfibre roof were in situ. As far as could be determined from inspection, these correspond with the details in the application, but for the avoidance of doubt, I have considered the development based on the submitted drawings.
3. The second reason for refusal refers to the nearby Grade II listed building as 1 & 2 Coastal Cottages. In the extract provided from the statutory list, the building is referred to as Coast Cottages, 1 and 2 Lenham Heath Road. I have referred to the building as Coast Cottages in this decision.

### Main Issues

4. The main issues are the effect of the development on the character and appearance of the area, and its effect on the significance of the Grade II listed building known as Coast Cottages.

### Reasons

#### *Character and Appearance*

5. The appeal site is a commercial yard in the hamlet of Sandway, in countryside outside Lenham and Harrietsham. It includes an open yard enclosed by a metal palisade fence along the road frontages, with hedgerows and trees at the rear. There is also a range of single storey commercial sheds at the rear, but evidence has been provided that these are in a dilapidated condition and excluded from the

appellant's lease. At the time of my site visit, various items were stored outdoors, including large drums of cabling and ducting, construction equipment and waste skips. A mechanical excavator and access platform were parked under the Zappa Shelter.

6. Sandway is a rural hamlet, which is well integrated into the surrounding countryside. Houses and cottages of varied scale and appearance are strung out sporadically along narrow lanes. There are trees and hedgerows along the roadsides and field boundaries, and a small-scale field pattern surrounds and intersects the sporadic built development. In comparison with much of the wider landscape, which is heavily influenced by major road and rail routes, Sandway and its environs have a distinctively intimate, rural character.
7. The appeal site is prominently located at the crossroads of Sandway Road and Old Ham Lane, with a handful of dwellings opposite and a horse paddock to one side. The Zappa Shelter and shipping containers are just inside the boundary fence, at the most exposed corner of the site. Consequently, the development is highly conspicuous along both road frontages, as well as when approaching along the rural lanes. The curved polyfibre roof is particularly eye-catching, due to its considerable height and bright, white finish. The shipping containers do not project above the perimeter fence to such a great extent, but they are also substantial features in their own right, and their bright green finish draws attention.
8. While the appeal site has a well-established commercial character, it sits within the leafy, rural context described above. The existing sheds are utilitarian in appearance, but they are of lower height, more subdued external materials, and positioned at the rear of the site, where they are not so visually intrusive. At the time of my site visit, the outdoor storage in the rest of the site was orderly and not excessive in height. Due to their scale, materials and siting, the Zappa Shelter and containers are significantly more visually intrusive than any of these more established features of the yard.
9. Utilitarian buildings, such as farm buildings and sheds, are not uncommonly found in rural surroundings, but the particular form of this structure is not typical of those forms of rural development. Nor is it at all sympathetic to the rural hamlet within which it is situated. The materials bear no relation to those found on nearby dwellings and there is no clear evidence that the structure was designed or selected with the characteristics of its rural context in mind. It may well be that this type of shelter is extensively used in the railway, construction and major infrastructure industries, but that does not mean it is an appropriate means of providing a sheltered working and storage area in these particular surroundings.
10. Soft landscaping could be introduced along the front boundary, to provide some degree of screening. That could filter views of the shipping containers, once established. But it would not provide any meaningful mitigation for the degree of intrusion arising from the tall, arched Zappa Shelter.
11. For the reasons given above, I conclude that the development has a significantly harmful effect on the character and appearance of the area. It conflicts with Policies LPRSP9, LPRSP15 and QD4 in the Maidstone Local Plan Review 2021-2018 (MLPR) which require, amongst other things, that new development in the countryside does not result in significant harm to the rural character and appearance of the area and that development responds to local character and

distinctiveness, having regard to factors including scale, height, materials and siting. It also conflicts with relevant paragraphs in the National Planning Policy Framework (the Framework), notably paragraph 135 which requires that developments are visually attractive and sympathetic to local character and history, including the surrounding built environment and landscape setting.

### *Listed Building*

12. Coast Cottages is a pair of semi-detached cottages on the opposite side of Sandway Road, near the northeastern corner of the appeal site. They are modest two storey properties of mellow brick and tile, dating from the early 19<sup>th</sup> century. Their significance derives from their evidential value as an example of working-class rural housing dating back to that period.
13. The appellant's Heritage Statement<sup>1</sup> describes Sandway as having been primarily agricultural, with farmland, orchards and smallholdings shaping the landscape. Farming and milling continued into the 18<sup>th</sup> and 19<sup>th</sup> centuries and, as previously noted, Sandway has retained its rural character, notwithstanding the expansion of road and rail links to larger settlements. Consequently, the rural characteristics of the hamlet provide a setting which contributes to an appreciation of the significance of the listed building as rural workers' cottages. In turn, the cottages help to reveal the historic development of the small rural settlement.
14. While small yards and commercial premises are found in the countryside, this particular yard does not clearly relate to the largely agricultural heritage of Sandway. Therefore, it already has a somewhat negative effect on the rural setting of the listed building. The development occupies a relatively small proportion of the established yard and has not replaced any previous planting or green areas, having been placed on existing hardstanding. Nevertheless, it is significantly more intrusive than the more established commercial features of the site. Despite being at the opposite corner, it is a dominant and incongruous feature in the immediate surroundings of Coast Cottages. It is particularly intrusive in approaches from the west, commanding attention and distracting from views of the listed building.
15. Consequently, the development materially increases the intrusion of modern commercial development in close proximity to the listed building. The setting of the listed building is not preserved, and the development undermines the opportunity to appreciate its significance as a pair of rural workers' cottages reflecting the historic development of the small rural hamlet.
16. Although the application does not clearly specify a proposed end date to the development, the readily removable nature of the shelter and containers, and the finite nature of the appellant's current lease and contract of work, are emphasised. While that means the harm arising from the development is potentially reversible, the harm to the setting of the listed building would still endure at least for the duration of the current contract and/or lease. That is not an insignificant period. The introduction of planting would also do little to mitigate the harm to the setting of the listed building, for the reasons previously given.
17. I conclude that the development has a materially harmful effect on the significance of the Grade II listed building known as Coast Cottages. The setting of the listed building is not preserved. Taking into account the existing commercial use and the

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<sup>1</sup> SR Designs Heritage Statement Revision PL1

potential for the shelter to be removed easily when no longer required, the level of harm is at the lower end of the less than substantial category. Nevertheless, I have attached considerable importance and weight to the desirability of avoiding such harm, in accordance with the statutory duty under s66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

### *Heritage Balance*

18. In line with the statutory duty mentioned above, Paragraph 212 of the Framework requires that great weight is given to conservation of designated heritage assets, including where the level of harm to their significance is less than substantial. However, paragraph 215 requires that the harm to the heritage asset is weighed against any public benefits. In the MLPR, Policies LPRSP14(B) and LPRENV1 also require that the public benefits of the development are taken into account.
19. On the understanding that the existing buildings are neither available nor suitable for use by the current occupier, there are benefits to the business and its employees from the provision of a sheltered working and storage area. The structure provides headroom to accommodate 3m high storage racks and use of fork-lifts. It also makes more effective use of this previously developed site, by providing usable space under cover, to support ongoing commercial use. The metal containers provide secure storage, although the polyfibre walls of the shelter appear less obviously effective from a security perspective.
20. As explained in the Planning Statement<sup>2</sup>, the current use of the site is for storage and distribution of civils and telecommunications materials, related to Project Gigabit: a Government project for improved delivery of fast and reliable broadband infrastructure. The project is described as having the goal of nationwide coverage by 2030, with a contract having been awarded to extend gigabit-capable broadband to hard-to-reach premises across Kent by late 2029. The appellant company has a contract for delivering infrastructure related to this project. That being so, commercial use of the site is linked to wider economic benefits, including within more rural and remote areas, and the benefits of the development are not limited to improved working conditions for the current occupier and their employees.
21. The Framework is supportive of development to deliver economic growth, including improved digital infrastructure and development which enables the sustainable growth and expansion of businesses in rural areas. The MLPR also provides in Policy LPRSS1 for small scale employment development to support the rural economy. There is, however, limited evidence that the economic benefits in this case can only be secured through this particular form of development. Even allowing for the use of storage racking and forklifts, as described, the overall height of the shelter is considerable. No specific evidence has been provided that it needs to be sited in such an exposed and visually prominent position on the site. Therefore, based on the evidence before me, it has not been convincingly established that the design approach adopted is the only suitable means of delivering the economic benefits.
22. Even if the shelter is removed at the end of the current contract or lease, there would be harm to the significance of the listed building for a period measured in years. In the meantime, there would be little incentive to pursue alternative means

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<sup>2</sup> SR Designs Retrospective Planning Statement Revision PL1

to provide more suitable sheltered storage and workspace to support effective use of the site in the long term.

23. For the above reasons, while I recognise the economic benefits of the development, and its reversible nature, these factors collectively attract no more than moderate weight in favour of the development. Consequently, the public benefits do not outweigh the considerable importance and weight attached to the harm to the significance of the listed building. The development is contrary to relevant requirements in Policies LPRENV1 and LPRSP14(B) of the MLPR, which include that where heritage assets are affected by development, their significance should be conserved, and where possible enhanced, with the potential public benefits of the development also being taken into account. It also conflicts with the approach in the Framework to conserving and enhancing the historic environment, as summarised above.

### **Other Matters**

24. The presumption in favour of sustainable development, as expressed in paragraph 11 of the Framework, applies to development that accords with an up-to-date development plan (paragraph 11c), or in circumstances where there are no relevant development plan policies or the policies which are most important for determining the application are out of date (paragraph 11d). Based on the evidence before me, neither of those circumstances is applicable.
25. There were no outright objections to the planning application. Furthermore, in response to this appeal, the occupier of one nearby property has described the shelter as being tidier, and preferable to an outlook over machinery and other equipment within the yard. That does not, however, account for the way the development is experienced more widely, including by those using the rural lane network. Therefore, while I have noted the individual expression of support, and the absence of expressed objection, that does not overcome the harm.
26. The site is not in a Conservation Area and is not affected by flood risk or significant nature conservation considerations. However, those are at best neutral factors and do not weigh in favour of the development.

### **Conclusion**

27. 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. Therefore, the appeal should be dismissed.

*Jane Smith*

INSPECTOR