Planning Inspectorate

Appeal Decision

Site visit made on 10 November 2026

by Graham Chamberlain BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 November 2026

Appeal A - Ref: APP/U2235/W/25/3373330
Land at Lawton Place, Benover Road, Yalding, Kent, ME18 6AU

- 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 Martin Botha against the decision of Maidstone Borough Council.
- The application Ref is 25/500211/FULL.
- The development proposed is described as 'Proposed change of use from Agricultural Land to a Storage facility for Touring Caravans (B8) with a new access'.
- This decision supersedes that issued on 11 March 2026. That decision on the appeal was quashed by order of the High Court.

Appeal B - Ref: 6011552
Land at Lawton Place, Benover Road, Yalding, Kent, ME18 6AU

- 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 Martin Botha against the decision of Maidstone Borough Council.
- The application Ref is 26/501223/FULL.
- The development proposed is described as 'Formation of new vehicular access from B2162 Benover Road to land at Lawton Place, Benover Road, Yalding, Kent ME18 6AU'.

Decisions

1. The appeals are dismissed.

Applications for Costs

2. Applications for awards of costs were made by Mr Martin Botha against Maidstone Borough Council. These applications are the subject of separate Decisions.

Preliminary Matters

3. I have considered the two appeals together, but on their own merits, because there are common matters between them.

4. The appellant submitted a suite of documents with Appeal A as new evidence to support his appeal. This included a Landscape and Visual Impact Assessment (LVIA), a new Heritage Assessment, an Arboricultural Assessment, a Highway Statement, a Preliminary Ecological Assessment (PEA), a Great Crested Newt District Level Licensing Impact Assessment and Conservation Payment Certificate (IACPC) and a Surface Water Drainage Strategy.

5. The information was submitted at the outset of the appeal and therefore it was not 'late' in that it was provided in accordance with the appeal timetable. Accordingly, all parties tracking the appeal have had an opportunity to review the new

information and present comments on it. I have therefore considered the new evidence as there would be no procedural unfairness from doing so.

6. The Council has raised concerns regarding the reasonableness of the appellant's approach in submitting so much new evidence. This is because they have had to review a large amount of information that could have reasonably been anticipated as being necessary to support the application. The Council could have tested this by making an application for an award of costs but have chosen not to.

7. The appellant has also sought to make amendments to Appeal A. The Planning Appeals: Procedural Guide sets out a general principle that the appeal process should not be used to evolve a scheme. It goes on to explain that where amendments are proposed during the appeal process despite the general principle that they should not be, consideration will be given whether, exceptionally, to accept them. When making this judgment, the substance of the proposed change and the procedural fairness of accepting them will be assessed.

8. In this case, the proposed changes involve alterations to the extent of the appeal site and a redesign of the site access drive. The former would be a fundamental change to the proposal as a substantial part of the appeal site would be omitted. Accordingly, the substance of this change is such that it cannot be made at the appeal stage. I have therefore considered the proposal as per the original site plan. The redesigned site access would be wider than that originally proposed but this would not amount to a substantial change. However, interested parties raised concerns about the effects of the access track as originally proposed. It stands to reason that they may also wish to comment on the effects of a wider access. That said, I am mindful that the vehicle access proposed in Appeal B is the same as the amendment proposed in Appeal A. As a result, the public have been able to comment on the amended design. On this basis, I am content to accept the alteration to the access proposed in Appeal A as it aligns with the scheme I am considering in Appeal B.

9. A revised National Planning Policy Framework (the 'Framework') was recently published. The Council and appellant were provided with the opportunity to comment on this change in national policy, and I have taken account of the comments received.

Main Issues

10. The main issues flow from the Council's reasons for refusal and are:

- The effect of the proposed development on the significance of Forster's Cottage, Forster's, Glass House, The Woolpack Inn and Mill House, which are Grade II listed buildings and Benover House, which is a Grade II* listed building (Appeals A and B);
- The effect of the proposed development on the landscape character and visual amenity of the countryside (Appeals A and B);
- The effect of the proposed development on biodiversity, including whether the proposal would achieve a Biodiversity Net Gain (Appeals A and B);
- Whether the proposal would provide adequate drainage; and
- The effect of the proposed development on highway safety.

Reasons

The effect on the significance of Forster's Cottage (formerly Forster's Farm Cottages)

11. Forster's Cottage is a modest building in the typical local vernacular style. It was probably constructed as a row of humble farm workers' cottages and likely dates to the 17th Century. The building is timber framed and has a 19th Century façade. As would be expected of a farm worker's cottage, the architecture is restrained. However, the material palette and patina of age provide visual interest and illustrate the 17th Century craftsmanship and building methods. The building has architectural and historic value, and this results in significance.

12. The main elevation of Forster's Cottage can be appreciated from Rugmer Hill Farm (the 'lane'). From here, there are filtered views of the building situated in a generously vegetated garden. A large rear extension is present on the cottage's west face. Beyond this are two modern barns, but they are agricultural in character and do not harm the buildings setting as a result. There is a hedge between the appeal site and the listed building, which limits visibility. Forster's Cottage is evident in views from the appeal site over the hedge though.

13. Given its history, the building provides evidence of past human and agricultural activities. This ties the building to the wider rural landscape and results in a historic relationship with surrounding agricultural land. The building is set along a narrow country lane on the edge of a historic grouping, which includes Forster's and a converted Oast House. It has a tranquil and remote feel being surrounded by open fields, including the appeal site. In this respect, it's relationship with open countryside, as demonstrated by historic mapping, has endured. This adds to its charm and character. Accordingly, the ability to experience the listed building in a bucolic, rural setting aids the ability to experience its significance.

14. The collection of large modern buildings to the south-east does not significantly alter this perception as they have a muted, rural character, are set away from the listed building on the opposite side of the lane and screened by well-established mature planting including trees and understorey hedging. Poly tunnels to the north are visible in the backdrop of the building but they are some distance away and do not affect the immediate rural setting in any meaningful sense.

15. It is possible to start experiencing the listed building in a tranquil rural setting some distance to the south when approaching along the lane. Indeed, the southern gable end of the property is visible in a wide panorama through a field entrance broadly opposite the collection of large agricultural buildings discussed in the preceding paragraph. Notably, the appeal site forms a conspicuous part of the open rural aspect on the approach to the building along the lane despite the presence of a thin and partially gappy roadside hedge.

16. The Heritage Statement places significant emphasis on the limited intervisibility between the appeal site and the listed building on account of an intervening hedge. Whilst intervisibility is relevant, the contribution made by the wider rural landscape to the experience of the asset's significance is equally important. In this instance, the significance of Forster's Cottage is informed not only by direct views between the asset and the appeal site, but also by the rural character of the surrounding countryside, including the appeal site, through which the building is experienced.

17. The scheme in Appeal A would result in up to 125 caravans being parked in the field next to the listed building alongside the siting of several storage containers. Given their predominantly white colour, the caravans would appear as a discordant and strident addition to the rural setting of the listed building. The storage containers would compound this due to their industrial form and number. This would seriously erode and harm the ability to experience the building in a remote rural setting. It would harm the significance of the building. Conversely, the access proposed in Appeal B would have no effect on the significance of the listed building due to the distance and low profile.

18. To counter the impact of Appeal A, the appellant has planted around 1,000 saplings around the area intended to be used for caravan storage. In time this would form a notable landscape feature. Therefore, the short to medium term impact (10-15 years) could reduce considerably if the planting is successful. I am also mindful that an open rural aspect would be retained to the north, east and immediate south of the building. However, due to the sheer number of caravans stored in compact rows, the predominantly white colouring, the activity, and the proximity to the listed building, there would still be a limited residual adverse impact on the significance of the listed building into the longer term. This is because the scheme would still be discernible, especially in the winter when the planting is not in leaf. The setting of the listed building would not be preserved.

The effect on the significance of Forster's

19. Forster's was not discussed in the Heritage Statement, but I have considered the letter sent by the appellant subsequently addressing the significance of this building and the effect of the schemes. Like Forster's Cottage, Forster's is also a row of vernacular agricultural workers' cottages subsequently converted to a farmhouse. The building is timber framed and dates from the 16th Century although it may have earlier origins. The building tells us much about past building techniques and lifestyles and therefore has architectural and historic value and significance.

20. The significance of the building is mainly experienced from within the rural group of buildings within which it is situated. However, like Forster's Cottage, the building's history ties it with the rural landscape. Accordingly, experiencing the listed building in a wider rural setting aids the ability to experience its significance. Forster's is approached along the lane in the same way as Forster's Cottage, but it is further from the appeal site and separated by intervening buildings. There is no apparent intervisibility. Nevertheless, the open agricultural character of the appeal site modestly contributes to how the listed building's character and significance is experienced given the importance of the tranquil rural approach.

21. For the reasons already outlined, the scheme advanced in Appeal A would urbanise the approach to the listed building resulting in a notable adverse effect in the short to medium term. This would reduce once the existing planting matures, especially if it is supplemented by understorey planting. The listed building would also retain an open rural aspect to the north, south and east. As a result, the residual long-term effect would amount to a very limited level of harm to the significance of the building. Its setting would not be preserved. There would be no impact from Appeal B due to the distance and low profile of the works.

The effect on the significance of The Glass House

22. The Glass House is an impressive building dated to 1603. It is a vernacular dwelling with a wealth of surviving architectural features. The author of the Heritage Statement describes Glass House as an exemplary 17th Century building. Given its age, rarity and quality, it has notable architectural and historic interest.

23. The architectural quality of the building is principally experienced from the B2162 and the property's surrounding garden. However, being a vernacular house born out of the rural landscape in which it is situated, it has a connection to the countryside and therefore the ability to experience it as such contributes to its significance. The appeal site adjoins the boundary of The Glass House and is therefore part of its wider rural setting, although there is no evidence of planned views from the Glass House to the appeal site. The appeal site is also situated on the eastern side of Lawton Place. As such, the land to the east of The Glass House has evolved and is not pristine countryside.

24. Nevertheless, when viewing the building from within its gardens, one would be aware of the open rural character of the appeal site despite the dense intervening hedge. A photograph provided by the occupant of Glass House also demonstrates that glimpsed views over the surrounding countryside, including the appeal site, are possible from within the building through an upper floor window in the eastern elevation. I understand the window has been altered but it is an historic opening.

25. The caravans would be positioned away from the shared boundary and behind a newly planted hedge. As such, the distance and existing and proposed planting would provide visual and spatial mitigation. However, due to the number of caravans proposed, the sprawling layout and their predominantly white finish, there would remain a sense that the rural setting of The Glass House had been eroded. This impact would result in some limited harm to the significance of the building which would reduce to a very limited level in the long term as planting matures. It follows that its setting would not be preserved. There would be no impact from Appeal B due to the distance and low profile of the works.

The effect on the significance of The Woolpack Inn

26. The Woolpack Inn is a public house which probably dates from the late 17th Century or early 18th Century. The façade is 19th Century and exhibits local detailing such as tile hanging. It has a strong, inviting presence in the street scene, which adds to the legibility of its historic and current use as a public house. Its age, quality and use imparts historic and architectural value and thus significance.

27. The building would have served the rural community, but it is not intrinsically linked with the agricultural landscape in the same way a farmhouse or agricultural workers cottage would be, save for its vernacular styling and local distinctiveness. Instead, it is an attractive building that sits prominently along the B2162 to catch passing trade on account of its commercial use. It is therefore best experienced from the B2162. The appeal site is some distance to the east and is buffered by the large rear gardens of two properties, including dense hedges and mature trees. The open rural character of the appeal site therefore adds little to how the significance of the building is experienced. Consequently, developing the appeal site in the way proposed in Appeals A and B would not harm the listed building's significance. Its setting would be preserved.

The effect on the significance of Mill House

28. Mill House is a characterful timber framed building which may have origins in the late 16th or early 17th Centuries. The list description suggests it may even be earlier. The building has been remodelled over time and now includes a 19th Century façade of locally distinctive weatherboard. Mill House derives historic and architectural value and thus significance from its age, vernacular styling, the surviving fabric and the evidence of past construction techniques, all of which reflect its humble origins as a rural cottage closely tied to the surrounding farmland. The rural setting of the building therefore aids the ability to experience, understand and appreciate its value and significance. The appeal site forms part of this wider rural setting, but only a distant peripheral element.

29. The building is orientated at a right angle to the B2162 and therefore its main elevation is best seen from the lane (unless within the garden of the property), which has a rural character on account of the narrow width and flanking hedges. Indeed, the intimate rural character of the lane adds to the charm of the building. The building is not viewed in a wider panorama. Indeed, Mill House has a subtle presence in views from the B2162 due to the construction of a large outbuilding and tall entrance gates being installed. The boundary vegetation is also quite dense. Due to the extent of the property's garden, there is a notable buffer between the building and the appeal site. Thus, it would be possible to continue to experience the building from the lane without the appeal scheme having any meaningful presence or impact on its rural setting. Thus, the proposals would not harm the significance of the building. Its setting would be preserved.

The effect on the significance of Benover House

30. Benover House probably has origins in the early to mid-16th Century and is a timber framed dwelling with later alterations. It is a fine example of an evolved hall house and is a repository of historic building techniques and bygone lifestyles. Its Grade II* listed status is testament to its rarity and intactness. The building has considerable illustrative historic and architectural value. This gives the building significance. Being originally constructed as a vernacular farmhouse, there is an intrinsic link to the surrounded agricultural landscape, which provided the rationale for the siting and the materials used in its construction.

31. Historic map regression in the Heritage Statement demonstrates that the building was in a deeply rural setting until the 20th Century when sporadic development occurred and the B2162 became a busy road for motor vehicles. The spatial connection to the open countryside is best experienced from the southwest of the building. Indeed, the dense boundary planting along the frontage with the road, the busy nature of the B2162 and the building's set backed position means it is not meaningfully experienced from land behind the frontage development on the northern side of the B2162. As such, I am not entirely convinced the appeal site is within the setting of this listed building. Even if it were, the appeal site would only form a small and peripheral part.

32. Accordingly, the proposals would not interfere with the ability to experience and appreciate the building's historic and architectural values due to the distance and the intervening planting and buildings. It follows that the significance of the building would not be harmed. Its setting would be preserved.

Heritage balance

33. Policy LPRSP14(B) of the Maidstone Borough Council Local Plan review 2021-2038 (MLP) requires the conservation of heritage assets and for consideration to be given to the public benefits of a scheme that would otherwise negatively impact them. Policy LPRSP15 seeks to secure development that responds to the area's heritage. Policy LPRENV1 states that the relevant tests in the Framework will be applied when determining applications involving harm to the significance of a heritage asset. This approach is consistent with Policy HE6(4) of the Framework, which states that harm to the significance of an asset should be weighed against the public benefits of the scheme.

34. In calibrating this balance, the Framework explains that heritage assets are an irreplaceable resource and that any harm should have a clear and convincing justification. Indeed, there is a statutory presumption in favour of preservation (doing no harm) when applying Section 66(1) of The Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Act'). Thus, Policy HE6(3) states that harm to a designated heritage asset is a matter of considerable importance and weight.

35. The proposal would result in a notable level of harm to the significance of Forster's Cottage in the short to medium term. This would fall to a more limited level in the long term. There would also be a very limited level of harm to the significance of both Forster's and The Glass House. As such, the proposal would not be 'heritage neutral' as it would result in harm, albeit well below the 'substantial' threshold in the Framework. Nevertheless, the harm identified attracts considerable importance and weight in the planning balance. For reasons I go into, the public benefits of the proposal are modest in extent. Overall, the benefits would not be sufficient to outweigh the harm to these designated heritage assets. Accordingly, there would be a conflict with Policy HE4(2) of the Framework and by extension Policy LPRSP14(B) of the MLP.

The effect on the landscape character and visual amenity of the countryside

36. *Landscape baseline* - The appeal site and its local context, which can be referred to as the LLCA[1], is in the Low Weald National Character Area (NCA). Key characteristics of the NCA derive from it being an ancient, broadly pastoral landscape with key characteristics including small irregular fields enclosed by hedges and shaws, an abundance of ponds, north-south lanes originating as drove roads, small linear settlements with traditional buildings exhibiting vernacular materials and small rivers flanked by water meadows.

37. The appeal site encompasses an agricultural field currently given over to meadow and recent tree planting, and a small local wildlife site. The latter adjoins the B2162 and encompasses a small woodland with ponds and ditches. The wildlife site is a notable vegetated break in the sporadic development along the B2162 associated with the linear hamlet of Benover. To the north and east of the appeal site is agricultural land alongside the River Beult, although the openness of this area is interrupted by buildings along the lane. These buildings include modern agricultural structures and a cluster of dwellings that incorporate vernacular styling, including Forster's Cottage. Overall, the area is rural in character and includes many of the key characteristics of the NCA.

[1] Local Landscape Character Area or Study Area – this being the area that influences, or is influenced by, the appeal site.

38. At a county level the appeal site is in the 'Low Fruit Belt' Landscape Character Area (LCA). The identified key characteristics are locally evident, including the undulating mixed farmed landscape. At a more local level, the Maidstone Landscape Character Assessment places the appeal site within the Laddingford Low Weald LCA. This is described as a low weald landscape. Key characteristics include a low landform, network of ponds and ditches, small woodland blocks and pasture around settlements. These key characteristics are all evident within the appeal site or its local context. The LLCA is therefore representative of the key characteristics of what distinguishes the NCA and the local LCAs and this is important when considering landscape value.

39. Indeed, when considering the value of the local landscape, the LVIA submitted by the appellant explains that the Low Weald is a rare and important undesignated landscape character type at a national scale. This elevates the rarity of the LLCA. When considering the other criteria used to judge the landscape value of the LLCA, it is apparent that it has a pleasant scenic quality including impressive views towards the Greensand Ridge, albeit often locally filtered by intervening planting and diminished to an extent by distant poly tunnels. There are also some local visual detractors such as the large modern buildings to the east of the appeal site and visual clutter caused by agricultural workings and suburbanising influences. This also diminishes the local condition of the landscape, although not to the point that it stands out as especially degraded within the LCAs.

40. In terms of functional and conservation value, the LLCA includes the local wildlife site, meadows and dense hedges with mature hedge trees that can support several wildlife species of note. Indeed, the PEA explains that the local area has a high density of ponds and hedges. The LLCA has very limited recreational value as there is no public access to the appeal site nor public footpaths along its boundaries. There is some cultural heritage value as there are several vernacular and listed buildings nearby although there are no known associations with historic events or people. Perceptually, the LLCA has a rural tranquillity but is not deeply so on account of road noise and the presence of buildings.

41. The LVIA concludes that the LLCA is of 'medium' landscape value and I consider this a fair conclusion. As per the LVIA, the methodology of which is not disputed, the value of the landscape can be considered against its 'susceptibility' to help inform a judgment as to its overall sensitivity. Susceptibility is the ability of the landscape to absorb change without harmful impacts. A high susceptibility would mean the landscape cannot readily accommodate change without major harm. In this instance, the susceptibility is medium because the landscape is generally rural albeit on the fringe of a hamlet with several local detractors present. Overall, the medium value and susceptibility combine to result in medium landscape sensitivity.

42. *Landscape and visual effects* - Both proposals would require the construction of a substantial engineered access through the Local Wildlife Site (LWS). The scheme would necessitate the removal of roadside vegetation, new surfacing, ground works, highway markings and entrance gates. It would be markedly more substantial than other residential accesses nearby, including the new access opposite Mill House serving the traveller site. Collectively, these works would introduce a conspicuously urban feature into what is presently a well-vegetated and predominantly rural roadside environment.

43. Whilst the Arboricultural Assessment explains that the trees proposed for removal are of limited individual value, they form part of a broader woodland group that contributes positively to local landscape character. Their removal, together with the introduction of a wide engineered access, would erode the coherence and wooded character of this part of the LWS. Additional planting would soften the effects over time, but the access would remain readily apparent and stark as a man-made intervention that would sit uncomfortably within its rural context.

44. Added to this (in respect of Appeal A) would be the caravan storage area. This would cover an extensive part of the existing meadow and would accommodate a considerable number of caravans stored in tightly packed and regimented rows. Although grasscrete could be used to soften the impact of the required hardstanding, the presence of so many caravans (up to 125), which are likely to be predominantly white, would be a highly jarring contrast with the existing verdant, meadow type character of the existing field. The scale of the impact would not resemble the three mobile homes opposite Mill House or the handful of low-key glamping pods behind the Woolpack Inn. Added to this would be additional activity as patrons arrive and depart. This would erode the relative tranquillity of the area.

45. The storage containers would also be a further urbanising feature, but the harm arising from their presence could be softened by a dark finish and the imposition of a condition to prevent them from being stacked on top of each other.

46. The LVIA suggested the proposal is reversible, but I afford this little weight as there is no suggestion it would be temporary. The proposal would include new green infrastructure including a hedge along the western edge of the storage area. However, these benefits would be modest and would not significantly offset the urbanising impact on the meadow and local wildlife site. Overall, the Laddingford Low Weald LCA would not be conserved or improved at odds with Council's landscape character guidelines, which are required to be taken account of by Policy LPRSP14(A).

47. Of course, the adverse effect on the NCA and LCAs as a whole would be negligible given their wide geographical area. Instead, the impact would be at the LLCA level and thus reasonably contained. The impact upon the LLCA would be of a medium magnitude. Overall, the medium magnitude of effect coupled with the medium sensitivity of the LLCA would result in a moderate adverse effect at completion, and this would endure. This level of impact would be localised but not insignificant.

48. Turning to visual impacts. The Council has not directed me to any long-distance views that it is concerned about. Nor has it disputed the findings in the LVIA that there would be 'no change' from views points 4, 5, 6 and 7. The latter three being taken from the nearest public footpaths in a 'visual cone' to the north of the appeal site, and the former from a public footpath to the east. As such, the visual impact would be localised and broadly contained to the B2162 and the lane.

49. There is no pavement along the B2162 and therefore receptors are likely to be in vehicles and moving at speed with their field of view being at an oblique angle to the appeal site. Their sensitivity is therefore lower than a walker using the landscape for recreation. However, that is not to say users of the B2162 would not be able to visually perceive the change, which could be a recurring visual impact experienced by a high number of road users. The LVIA does not identify any viewpoint from the lane. It is not a public footpath but provides access to handful of

properties. As such, it is not an intensely used route although users are likely to be moving slowly, living locally and may, on occasion, be on foot to experience the character of the lane and the views towards the Greensand Ridge. Ultimately, the visual sensitivity of receptors from these vantage points is low-medium.

50. Despite their number and colour, the caravans and storage containers would not be especially visible from the B2162 due to the fleeting nature of the impact experienced by motorists, the oblique angle to the direction of travel and the screening effect of the existing woodland, which would be supplemented in time by the new tree planting. However, for the reasons already explained, the access would be an engineered feature of note given its width and materials. Indeed, it would appear conspicuously more substantial than the domestic vehicular accesses found locally along the B2162. It would also read as a stark insertion into the wooded character of the LWS despite the screening effect of trees either side. The security gate would compound the harmful presence of the access. As such, the visual impact of the access from the B2162 would be higher than suggested in the LVIA. There would be a medium magnitude of effect.

51. Conversely, the caravans would be visible from the lane, but the access would not be. Views would be softened by the existing roadside hedge and the distance. However, the number of caravans and their predominantly white finish would result in a strident appearance, especially in the short to medium term. The recently planted woodland would provide screening as it matures, although this would not be for some time. Indeed, I observed that it encompasses saplings that have been slow to take, perhaps due to recent dry summers. It would likely be 10-15 years before meaningful mitigation is provided. On a best case, the residual visual impact from the lane in 10-15 years would be low. However, as screening can only mitigate negative impacts rather than remove them, it ought to be considered with caution in case it does not mature as expected.

52. Overall, when considering the magnitude of the visual impacts and the sensitivity of the receptors, the outcome would be a localised low-moderate significance of visual effect. There would also be some impact from Appeal A on views from the nearest residential properties (The Glass House and Forster's Cottage), but they would be private filtered views and therefore of less importance given that the planning system operates in the public interest. In this respect, the affected dwellings would not become harmful places to live on account of the visual impact.

53. *Conclusions* - Drawing these matters together, both schemes would result in adverse effects to landscape character and visual amenity. Whilst the impacts would be geographically confined, they would nevertheless be meaningful and enduring. Particular concern arises from the engineered nature of the access and, in the case of Appeal A, the extensive storage of caravans within an otherwise rural meadow landscape. Collectively, these effects would fail to conserve the landscape. The overall effect would be local but not insignificant. Accordingly, the schemes would be contrary to Policies LPRSP9, LPRSP15 and LPRQD4[2] of the MLP, which seek to secure development of an appropriate scale and siting that respects natural features and assimilates with the local landscape.

[2] The Council has mistakenly referred to Policy LPRQD5 in its reasons for refusal

The effect of biodiversity (Appeals A and B)

54. LWSs are a non-statutory local designation. I understand that the Benover LWS is designated mainly on account of Great Crested Newts. Indeed, the LWS is categorised by Natural England (NE) as an 'Amber' Great Crested Newts (GCN) risk zone. GCNs are a European Protected Species. It is a criminal offence to deliberately injure, kill or disturb them unless a license has been granted pursuant to the Habitat Regulations[3]. This is a process independent of the planning system administered by NE. When determining a planning application or appeal, there is no need for the decision maker to carry out a shadow assessment to establish whether a license would be granted. Instead, planning permission should ordinarily be granted unless it is concluded the proposal would likely result in an offence and a licence is unlikely to be granted.

55. GCN are likely to be present due to the presence of ponds and terrestrial habitat. They would also be affected by the proposal as the new access would fragment the LWS and the storage area would reduce the extent of terrestrial habitat. A licence would therefore be necessary. An application for a licence would normally need to be accompanied by surveys detailing the nature of the population of GCN so that suitable mitigation can be identified. However, a district level licensing system is in operation. This allows a developer to make a financial contribution towards strategic off-site mitigation/compensation in lieu of further surveys. NE would issue a licence once the funds are paid. The established process is for the applicant to agree the amount with NE with both parties signing an IACPC. This is then submitted to a local planning authority at the application stage to demonstrate that a licence is likely to be granted.

56. In this instance, the appellant failed to provide an IACPC at the application stages. However, an IACPC has subsequently been submitted with Appeal A. The certificate in respect of Appeal B is unsigned and therefore has no status. Nevertheless, the IACPC submitted for Appeal A includes the land covered by the site access and consequently there is an overlap. In other words, there is a signed IACPC in place that covers the area proposed for the operational development in both appeals[4]. Accordingly, I am satisfied a licence is likely to be granted and therefore the overall conservation status of GCNs would not be harmed.

57. Added to this the appellant intends to follow a precautionary approach during construction to safeguard on site GCN where possible. The PEA also explains how the effect on other species would be mitigated and the Council has raised no concerns with what is set out. I have no reason to disagree. The new information submitted with Appeal A also demonstrates that a Biodiversity Net Gain (BNG) can be achieved. This would be secured through the statutory condition requiring a Biodiversity Gain Plan to be submitted and approved by the Council prior to the commencement of development. The BNG calculation would factor in the baseline value of the area for wildlife, including the affected part of the LWS, and ensure a minimum 10% uplift on this baseline is achieved.

58. In conclusion, there would be no residual harm to biodiversity. A conflict with Policies LPRSP14(a) and LPRSP15 of the MLP, which seek to secure development that conserves and enhances biodiversity, would not arise.

[3] The Conservation of Habitats and Species Regulations 2017
[4] To clarify, the area covered by the IACPC is smaller than the red line site area in Appeal A, but it covers all areas where operational development would be proposed and/or caravans and containers stored.

Ground and surface water

59. Appeal A is supported by a Surface Water Drainage Strategy which explains that water can be stored on site and then released at a greenfield rate into a neighbouring ditch. The Lead Local Flood Authority (LLFA) confirmed in a letter dated 27 October 2025 that this information is sufficient to address their previous concerns. Subject to conditions to secure a satisfactory drainage scheme for the site, the LLFA raises no objection. I find no substantive reason to depart from this expert view and nor does the Council. Consequently, the proposals would not harm ground and surface water and therefore a conflict with Policies LPRSP14(a) of the MLP, which seek to protect the environment, would not occur.

Highway safety

60. Appeal A was originally refused in the absence of information relating to trip generations and the safety of the proposed access. Appeal A was subsequently supported by a Highways Statement that concluded the proposal would generate around 500 movements a year. On the back of this, the access was redesigned to be something more substantial than that originally proposed. This being the scheme advanced in Appeal B (and accepted as an amendment to Appeal A).

61. The amended access provides sufficient space for a motorist towing a caravan entering the site to pass a motorist towing a caravan exiting the site. This is presumably because the appellant anticipates some bunching of vehicular activity. Accordingly, there would be no risk of motorists entering the site with a caravan having to reverse back out on to the B2162, which would be a very dangerous manoeuvre given the size of a caravan and the apparent volume and speed of traffic. The submitted plans also demonstrate that adequate visibility splays can be achieved. This addresses the residual concern of the Local Highway Authority. Indeed, there is no reason for refusal relating to highway safety in respect of Appeal B. This is an indication that the Council are satisfied the amendments have addressed their concerns as expressed in Appeal A. Thus, the proposal would not harm highway safety and therefore a conflict with Policies LPRSP15 and LPRTRA2 of the MLP, which seek to safeguard users of the highway, would not occur.

Other Considerations

Policy LPRENV3 of the MLP

62. Policy LPRENV3 of the MLP states that caravan storage in the countryside will be supported when five stated criteria are met. The site is not in the Kent Downs National Landscape or its setting, the proposal would not result in a concentration of sites, security measures would not be prominent, and it would be close to the hamlet of Benover. Four of the criteria are therefore met. Compliance with the other is more nuanced. Although new planting has already occurred and would provide screening in time, the scheme is not already well screened as the caravans would be apparent from the lane and the access from the B2162. However, I am mindful that the Council did not come to a clear view on whether there was a breach of this policy and it is not referenced in the reasons for refusal.

63. That said, even if I were to take the view that Policy LPRENV3 would be adhered to, the lack of any reference to designated heritage assets in it should not be taken as an indication that the development plan is unconcerned by such impacts in respect of proposals for caravan storage. Indeed, adherence with one policy does

not mean a proposal complies with the development plan when read as a whole. Policies may pull in different directions necessitating an overall judgment.

64. In this instance, after considering public benefits I have identified a conflict with policies relating to the conservation of heritage assets. There would also be a conflict with other landscape policies. It is reasonable to expect the Council anticipated some impacts on the landscape when adopting a policy that permitted caravan storage in the countryside. However, the combined effects of the proposal are notable. Adherence to other policies, including Policy LPRENV3, would not outweigh this conclusion. Indeed, the absence of harm is a neutral matter. I therefore find a conflict with the development plan when read as a whole.

The benefits of the scheme

65. The Council and appellant appear to agree that there is an unmet need for caravan storage. The principal basis for that assertion is that the Council has a specific policy aimed at permitting caravan storage in the countryside. However, the supporting text to Policy LPRENV3 does not set out any quantitative analysis. Instead, the sole justification seems to be that it is often impractical to store private caravans within the curtilage of dwellings. This is likely to generate some demand for caravan storage facilities, but the extent of any unmet need has not been quantified and there is little evidence before me regarding either local demand or any deficiency in existing provision. Consequently, this matter is afforded limited weight.

66. I also accept that the proposal would support an existing rural enterprise and provide some economic activity, such as indirect support to tourism. There are important matters in a general sense. However, the proposal would generate relatively low levels of activity and support only a small number of jobs. The proposal would also secure a small biodiversity net gain. Whilst this is a benefit, it would only marginally exceed the statutory minimum requirement. Taken together, the benefits of the scheme would be modest.

Consistency

67. The appellant submits that it would be inconsistent to refuse his appeals given the recent development that has occurred nearby. Indeed, like applications should be considered alike. However, I have already explained that the traveller site opposite Mill House and the glamping pods behind the Woolpack Public House are of a completely different scale to what is proposed. The schemes are not alike. The large agricultural buildings to the east have a notable presence and have an impact on the countryside, but they have a rural aesthetic, are finished in dark material and sit behind established mature landscaping. They are functional but not strident additions to the landscape. Their presence does not justify the appeal scheme on account of consistent decision making. I understand that there is a storage business opposite The Glass House, but it stores dark wooden pallets, and the access does not cut through a wooded LWS. The impact is different to the scheme before me. Planning permission has been implemented for a B8 storage use adjacent to the appeal site, but this is within a building and is therefore different to open caravan storage.

Policies S3 and S5 of the Framework

68. Policy S5 of the Framework sets out the types of development that are accepted in principle in the countryside. Development for rural business and services where a location outside settlements is shown to be necessary is a type of development listed in Policy S5. The Council and appellant agree that Appeal A is this type of development. Accordingly, such development should be approved unless the benefits of doing so would be substantially outweighed by its adverse effects.

69. I have outlined the benefits above. Against this would be harm to the landscape character of the countryside, which would not be conserved, at odds with Policy N2(1)(a) of the Framework. There would also be harm to the significance of listed buildings. The latter carries considerable importance and weight despite the harm not being of a high order. In my view, the benefits of the proposal in Appeal A would be substantially outweighed by the heritage harm alone. As such, the proposal would not deliver a more effective or better use of the land.

70. In respect of Appeal B, there is a small commercial storage enterprise operating at Lawton Place, but this is approved to be served from the existing access. Use of the access appears to have caused some damage to the resin bound driveway, but that does not make it inherently unsuitable or dangerous. Some vehicles have proven too large for the entrance gates, but that would indicate that smaller vehicles should use the storage facility if the gates are to be retained. The land to the north of the access has been described as 'land locked', but that does not appear to be the case as it is accessed from Lawton Place and is well maintained. Accordingly, the access has not been demonstrated to be necessary for an existing rural business and therefore it is not a type of development listed in Policy S5 as being acceptable in principle.

71. Thus, as per Policy S5(4) of the Framework, the proposal should only be approved in exceptional circumstances, where the benefits would substantially outweigh the adverse effects. The benefits of the access would be minor, including a small biodiversity net gain and a separate access to the small storage business. This would not substantially outweigh the harm to the landscape that would otherwise occur. Even if I am wrong on the relevance of Policy S5(4), the benefits of the scheme would be substantially outweighed by its adverse impacts. It follows that the application of Policies S3 and S5 of the Framework is not a material consideration that suggests either proposal should be determined otherwise than in accordance with the development plan.

Other Matters

72. Given my findings and overall conclusion, it has not been necessary to directly address the other concerns of interested parties.

Conclusions

73. The proposals would be contrary to the development plan and there are no other considerations which outweigh these findings. Accordingly, for the reasons given, the appeals are dismissed.

Graham Chamberlain
INSPECTOR