



Appeal Decision

Site visit made on 12 November 2024

by Mr R Walker BA HONS DIPTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 November 2024

Appeal Ref: APP/U2235/D/24/3342632

Glebe Croft, Marley Road, Harrietsham, Maidstone, Kent ME17 1BS

- 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 Paul Russell against the decision of Maidstone Borough Council.
 - The application Ref is 23/505815/FULL.
 - The development proposed is retrospective permission for boundary fence and gate.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The fence and gates are in situ, and I am considering the appeal retrospectively. The Council's decision notice refers to policies from the Council's Local Plan (2017). However, this has been replaced by policies of its Local Plan Review (LPR) (2024), which was adopted prior to the submission of the appeal. Accordingly, I have referred to these replacement policies in my decision.

Main Issue

3. The main issue is the effect of the development on the character and appearance of the Kent Downs National Landscape.

Reasons

4. The appeal site is within but on the edge of the Kent Downs National Landscape. As such, and in accordance with paragraph 182 of the National Planning Policy Framework (2023) (the Framework), great weight should be given to conserving and enhancing landscape and scenic beauty in National Landscapes.
5. Glebe Croft lies along Marley Road, which is characterised by a combination of low-density residential housing and open countryside. Glebe Croft is the last property on the western side of the road before the landscape opens up with a series of equestrian paddocks, known as Marley Fields, and attractive views uphill towards a tree belt along Pilgrims Way.
6. As the residential properties dissipate out from Harrietsham village into the countryside, this part of Marley Road has a distinctly semi-rural character. Gates, fencing, and walling are frequently found around the entrances to residential properties. However, trees, plants and hedgerows remain the prevailing pattern of boundaries, particularly within those boundaries within

the National Landscape. In this regard, they make a small but positive contribution to its scenic and natural beauty.

7. The gates are set back markedly from Marley Road, and in combination with the fencing either side of the entrance, and along Marley Road, they are an overtly stark feature. The type of gates does not appear at odds with the pattern of gates at entrances to properties in the area. However, the combination of concrete posts, solid timber panels and concrete gravel boards, as well as the length and height of the fencing are more suburban in nature and of a type often found in rear gardens. In this respect, the development is at odds with the Council's guidance for boundaries to properties in the countryside as set out in its Residential Extensions Supplementary Planning Document.
8. In this instance, due to its length, height and form, the development is a striking feature that overtly clashes with the soft open landscape qualities immediately to the north around Marley Fields. In this context, the development does not conserve or enhance the natural beauty of this part of the Kent Downs National Landscape. The development is only dominant in localised views rather than in the wider National Landscape. Nonetheless in these localised views from Marley Road it causes a high degree of harm.
9. I have also had regard to the other boundary treatments and gates in the area, including opposite the site and those that I have been referred to that were allowed at appeal¹. However, I do not have the full details of all these schemes to understand the circumstances by which they exist. Moreover, none that I saw are directly comparable to that proposed in terms of the use of concrete posts and gravel boards, the combined length around the entrance and front boundary to the road, and the immediate setting adjacent to the open countryside aspect in the National Landscape area.
10. My concerns are not the colour of the fencing and gates, and thus requiring a darker tone would not overcome my concerns. Moreover, the appellant suggests a condition could require planting to the front. However, I have no firm details of where, and what this would include, given the extent of hardstanding in the entrance. Accordingly, this would not overcome my concerns regarding the development's visual impact.
11. The absence of support for, or an objection to, the scheme from the Kent Downs National Landscape Unit does not alter or outweigh my findings of harm on this matter.
12. I therefore find that the development has a harmful effect on the character and appearance of the Kent Downs National Landscape. As such, I find conflict with the requirements of Policies LPRSP9, LPRSP15, LPRSP14(A) and LPRQD4 of the LPR, when taken together and in so far as they relate to this main issue. These seek, amongst other things, high quality design where the type, siting, materials and design, mass and scale of development and the level of activity would maintain, or where possible, enhance local distinctiveness including landscape features.
13. The provision of a hedgehog highway would be an ecological benefit. The development improves security and privacy at the host property. These are

¹ Appeal Ref: APP/U2235/D/23/3320114 and APP/J2210/D/20/3249505

matters that are supported by the Framework. However, there is no evidence to suggest that other ways to achieve the appellant's aims were investigated and discounted that might not have a harmful effect on the character and appearance of the surrounding area. I must determine the scheme on its own merits and any effects from the potential future removal of the fencing and gates do not weigh in favour of the scheme.

14. Given the great weight afforded to conserving and enhancing landscape and scenic beauty in National Landscapes I am not persuaded that the benefits outweigh the harm in this instance.
15. The development conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it.
16. For the reasons given above the appeal should be dismissed.

Mr R Walker

INSPECTOR