
Appeal Decision

Site visit made on 22 May 2025

by **B Pattison BA (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 24 June 2025

Appeal Ref: APP/U2235/W/24/3354805

Chegworth Mill Farm, Chegworth Road, Harrietsham, Kent ME17 1DD

- 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 Ken Pink against the decision of Maidstone Borough Council.
 - The application Ref is 23/505751/FULL.
 - The development proposed is Planning Application for the use of existing arable field to the southwest of Chegworth Mill Farm to be used as a 'Glamping Site', comprising 8no. seasonal glamping units, alongside the erection of a Farm Shop with associated storage, and staff welfare facilities and provision of WC/shower facilities for glamping tourists and provision of facilities, with associated parking, access and infrastructure.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The effect of the proposal on the character and appearance of the area including with regard to the Kent Downs National Landscape (KDNL) and the Len Valley Local Landscape of Value (LVLLV);
 - whether the proposed glamping accommodation would be in a suitable location, having regard to access to services and facilities; and
 - whether the proposed retail use is suitable having regard to the development plan policies.

Reasons

Character and appearance including KDNL and LVLLV

3. The appeal site is a triangular part of an agricultural field which is adjacent to an orchard. It is bounded to the west by Chegworth Road and to the south east by Water Lane. The existing farm style gate access is at the south west corner of the field and currently provides open views into the appeal site when viewed from the junction of Chegworth Road and Water Lane.
4. The appeal site is located approximately 1 km south of the boundary to the KDNL. The statutory purpose of National Landscapes is conserving and enhancing the natural beauty of the area. In my consideration of this appeal, I have had regard to section 245 of the Levelling-up and Regeneration Act 2023 (the section 245 duty). This requires me to seek to further the statutory purpose of conserving and enhancing the natural beauty of National Landscapes. Paragraph 189 of the

National Planning Policy Framework (2024) (Framework) states that great weight should be given to conserving and enhancing landscape and scenic beauty in National Landscapes which have the highest status of protection in relation to these issues. The Planning Practice Guidance (PPG) confirms that the section 245 duty is relevant in considering development proposals that are situated outside National Landscape boundaries, but which might have an impact on their setting or protection.

5. The KDNL is of national importance due to its natural beauty. Its distinctive features include its network of small lanes, isolated farmsteads, and pastoral scenery amongst other things. The site is also within the Len Valley area of Landscape of Local Value (LVLLV), which is described as being characterised by the River Len, historic mills and a network of pools with remnant orchards. The Maidstone Landscape Character Assessment (2013) (MLCA) outlines actions including conserving the locally important agricultural landscape and remnant orchards.
6. The site is located outside any settlement boundary as defined in Policy LPRSS1 and LPRSP9 of the MLPR. The Braintree judgement advised that the word isolated in the Framework's phrase 'isolated homes in the countryside' simply connotes a dwelling that is physically separate or remote from a settlement¹. The Chegworth hamlet which contains a cluster of mainly Kentish vernacular residential properties is located over 100 metres to the north of the appeal site. These dwellings are well separated from the appeal site with the intervening land interspersed with grassland and woodland, which contributes positively to the rural nature of the surroundings and the overall character and appearance of the area.
7. There is also limited sporadic rural development to the south on Chegworth Road, again a significant distance from the appeal site. On the evidence that is before me, the appeal site does not fall within a rural settlement, is not in the vicinity of the boundary of any settlement, and is located within the open countryside. It is therefore in an isolated location.
8. A two storey Farm Shop with Glamping Facilities (FSGF) building is proposed with a new vehicular access taken from Chegworth Road. To the front of the FGSF building a car park would provide 25no. farm shop visitor spaces and 2no. disabled parking spaces, with an additional 8no. parking spaces for the glamping (glamorous camping) on site.
9. The very large expanse of car parking would spread across a significant portion of the appeal site, close to Chegworth Road. Whilst additional boundary planting within this part of the appeal site is proposed, it would be visible in views through the vehicular access. The large car park would be a dominant, urbanising and significantly harmful feature which would be at odds to the rural character of the area, causing harm to the landscape of the LVLLV.
10. Whilst large and with notable areas of glazing, the design of the FSGF building would reflect the Kentish vernacular of rural barns and farm buildings which are found in the local area. In this way its form, scale and design would reinforce the local landscape character of the area. The proposed materials include slate tiles and profiled metal sheets to the roof, black horizontal timber weatherboarding and

¹ Braintree DC v Secretary of State for Communities and Local Government, Greyread Ltd & Granville Developments Ltd [2018] EWCA Civ 610

black hit and miss timber boarding to the walls. These materials would reflect the Kentish vernacular of buildings within the surrounding area and therefore would be in keeping with the landscape and character of local buildings.

11. The upper parts of the building would be visible in longer range views, particularly when travelling along Chegworth Road from the south. However, visibility is not analogous to harm. I have found that the design and material finish of the proposal would complement and harmonise with the landscape such that it would rest comfortably within its surroundings. Mitigation measures to control the amount, brightness and hours of artificial light could have been controlled by planning condition to ensure that it would not have a harmful effect on the amenity of the surrounding countryside.
12. Policy LPRTL2 of the MLPR outlines that proposals for holiday caravans and tents outside settlement boundaries will be permitted where they do not result in unacceptable loss of amenity to the area, and where the site is unobtrusively located and well screened by existing and proposed vegetation.
13. It is proposed to site eight glamping units, consisting of three yurts, four 'safari' tents and one shepherd's hut. This part of the proposal would relocate and expand the nearby existing three tent glamping facility at Chegworth Mill Farm, which was granted planning permission (Council Ref: 20/502916/FULL) in 2020.
14. The glamping aspect of the proposal is limited to just eight units which would be a relatively small-scale development, loosely spaced out across the appeal. The existing very dense hedgerow on Water Lane provides significant screening of the appeal site as required by policy LPRTL2.
15. I acknowledge that the corner of the site adjacent to Chegworth Road and Water Lane is currently open allowing wide views into the site. It is proposed to introduce additional hedging in this location, which would provide significant screening of the site. Policy LPRTL2 specifically allows proposed vegetation to screen the site. The proposed hedgerow planting would reinforce a key characteristic of the surrounding landscape and, despite the site's topography, would provide significant filtering of views into the appeal site.
16. Furthermore, the glamping tents, yurts and shepherd hut would be modest in scale. From the submitted evidence and existing yurts which I observed at the nearby glamping facility during my site visit, the materials and colours would be sympathetic to a rural environment. The planting of further fruit trees is proposed within the site, and would be scattered around the glamping tents, yurts and shepherd hut to provide screening. The glamping accommodation would be installed seasonally, and would therefore largely be in place during parts of the year when the hedgerow boundary screening is verdant. For these reasons, the glamping units would not appear as intrusive additions within the rural landscape.
17. The rising topography of the KDNL is visible in distant views looking north from the junction of Chegworth Road and Water Lane. Whilst I have found harm to the local character of the area as a result of the large car park, due to its orientation and distance from the KDNL, the proposed surrounding boundary screening and the significant existing woodland and vegetation to the north of the appeal site, it would not be a prominent feature in views of the KDNL. Therefore, the proposal would conserve the landscape and scenic beauty of the National Landscape.

18. The Council suggest that the FSGF could be converted to a residential unit in the event that the retail use were not successful, and the adjoining orchard could be under pressure to accommodate an expansion to the glamping business in the future. However, it is important that I solely assess the proposals that are currently before me.
19. I have found the urbanising effect of the car park would have an unacceptable harmful impact on the character and appearance of the area, including the LVLLV. Consequently, the proposal conflicts with policies LPRSP9, LPRSP15, LPRQD4, LPRTL2 and LPRCD6 of the MLPR, and the MLCA insofar as they collectively require development proposals not to result in significant harm to the rural character and appearance of the area, conserve and enhance the distinctive landscape character of the LVLLV and create high quality design.
20. Given my findings in relation to the setting of the KDNL, I do not find conflict with principle SD8 of the Kent Downs AONB Management Plan (2021-2026). The Council also alleges a conflict with policy LPRSS1 of the MLPR. However, my attention has not been drawn to any words in it that are relevant to this issue. The policy has therefore not been determinative in my decision.

Suitability of location

21. It is accepted by the appellant that the site is in the countryside for planning purposes. Indeed, its pleasant, peaceful rural location would likely be a fundamental part of its attraction to tourists. In my view, inherent in the wording of Policy LPRTL2 of the MLPR is an acceptance that proposals for caravan and camping sites which are permitted outside settlement boundaries, are likely to be located away from sustainable transport options. Nevertheless, due to the site's location outside of an existing settlement there would be a tension with Policies LPRSS1, LPRSP9 and LPRSP14(C) of the MLPR.
22. The Council considers that the distance to Harrietsham and the narrow width of Chegworth Road and local topography make it only readily accessible by private motor vehicle. However, that is disputed by the appellant and it is reasonable to suppose that tourists on a camping holiday may be more prepared to contemplate walking or, indeed, cycling the relatively short distance to the A20, which has a designated walking/cycling path to Harrietsham.
23. Whilst I appreciate that it only represents a snapshot in time, traffic on the surrounding road network was light during my site visit, and it has not been suggested that the relevant roads are busy. Therefore, it is reasonable to suppose that at least some journeys could be made on foot or by bicycle, especially as the glamping units would only be occupied seasonally, in the parts of the year when daylight hours are at their longest.
24. The appeal site is in close proximity to a network of footpaths offering an opportunity for recreational walking in the surrounding countryside, or for walking towards Harrietsham. Furthermore, a number of tourist attractions, notably Leeds Castle, are close enough to be a relatively easy cycle ride along the existing road network.
25. Nevertheless, whilst I consider that the majority of journeys are likely to be undertaken by private motor car, the number generated by just 8 glamping units, in use for part of the year, would be low. Car journeys to Harrietsham, would still be

relatively short. The appellant advises that Harrietsham has a reasonable range of facilities, which has not been disputed by the Council and would accord with its identification as a 'rural service centre'. It is also understood that the on-site farm shop would provide a wide range of local goods which would be available to guests on-site and therefore would likely reduce the need for some car journeys.

26. Whilst the Framework is clear that sustainable transport should be promoted, it does recognise at paragraph 110 that opportunities to maximise sustainable transport solutions will vary between urban and rural areas and this should be taken into account in decision making. Furthermore, Policies LPRSS1 and LPRSP9 do not require proposals to demonstrate ease of access to local services with sustainable transport options.
27. The Council indicate that given the small scale glamping provision, overnight accommodation for an on-site warden is not justified. However, I have not been referred to any policy which requires the proposal to demonstrate that there would be a functional requirement for warden's accommodation.
28. As a result, I do not find overall conflict with Policies LPRSS1, LPRSP9 and LPRSP14(C) of the MLPR insofar as they prioritise active travel, confirm that proposals in the countryside will not be permitted unless they accord with other policies in the plan and will not result in significant harm to the rural character and appearance of the area.

Retail use

29. Policy LPRCD1 of the MLPR allows, outside of the Council's defined network of centres, the sale of fresh produce at the point of production (or originating from the farm holding), subject to specific criteria set out within parts 7.c.i – 7.c.iv of the policy. Specifically, the policy requires that a significant proportion, based on annual turnover, of the range of goods offered for sale are fresh produce grown and sold on the farm holding in question; and that any additional goods would be restricted to local farm/holding produce whilst any other goods, including packaged or preserved food products, should not exceed a minimal level.
30. The appellant indicates that the bulk of the fresh produce sold within the farm shop, which also includes a tea room, would be supplied by the neighbouring Chegworth Valley Fruit Farm/Water Lane Farm. The farm grows 40-60 different types of vegetables and salad plants and 20-40 types of fruits and produce 20 types of juice, jams and honey.
31. The appellant has indicated that they would agree to planning conditions which would ensure that a minimum of 65% of the total annual sales turnover consist of fresh produce grown upon land owned or rented by the applicant or sourced from farms within the administrative boundaries of Maidstone Borough and Local Authorities which adjoin Maidstone Borough. Another condition would commit the farm shop to ensuring that no more than 35% of the annual sales turnover is derived from non-fresh produce. The range of goods sold within the farm shop would be limited to those produced at the neighbouring farm or other local enterprises which are part of the 'Produced in Kent' 'PinK' network.
32. I acknowledge that as Chegworth Valley Fruit Farm/Water Lane Farm is a neighbouring farm, the majority of fresh goods sold at the farm would not technically be sold at their point of production. However, those products would be

grown in fields surrounding and in close proximity to the appeal site, and therefore would not lead to any material increase in vehicle movements involving deliveries of products to be sold within the shop. The farm shop would allow local farmers to sell their farms' produce locally, whilst also supplying fresh produce for the tea room within the shop. Consequently, the proposal would comply with the thrust of Policy LPRCD1 relating to the sale of fresh produce outside the Council's defined network of centres. Therefore, it would not undermine the approach of the MLPR in restricting other forms of retail provision in the countryside.

33. The Framework states that planning decisions should enable the sustainable growth and expansion of all types of business in rural areas through well-designed new buildings, and encourages the development and diversification of agricultural and other land-based rural businesses. Similarly, I note that the supporting text to Policy LPRSS1 outlines a need to ensure a level of flexibility for certain forms of development in the countryside in order to support farming and other aspects of the countryside economy and to maintain mixed communities. The proposal would contribute to these aims.
34. Whilst a new building is proposed, I have previously found that its design would be appropriate to the rural character of the area, and there is clearly no available or appropriate existing building on the appeal site which could be adapted for a retail use.
35. I acknowledge that Policy LPRSP14(C) envisages development involving the creation of new retail and/or employment space to encourage a shift towards sustainable travel. However, any conflict is significantly tempered by my findings in relation to the proposal's compliance with the aims of Policy LPRCD1 which outlines scenarios where retail outside defined centres will be acceptable. Areas outside centres invariably have less access to sustainable travel.
36. Drawing my findings together on this issue, the proposal would also comply with the aims of Policy LPRSS1 and LPRSP9 of the MLPR which outline that proposals in the countryside will not be permitted unless they accord with other policies in the plan, and will not result in significant harm to the rural character and appearance of the area. Moreover, the proposal would comply with paragraph 88 of the Framework in terms of its support for the growth of rural business and the diversification of agriculture.

Other Matters

Heritage Assets

37. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires me, in determining this appeal, to have special regard to the desirability of preserving the listed buildings (LBs), or their settings, or any features of special architectural or historic interest which they possess.
38. A number of heritage assets have been identified by the main parties and the Parish Council, namely:
 - Approximately 130m-150m to the north are a cluster of Grade II Listed buildings including Chegworth Mill House, Chegworth Water Mill, Chegworth Manor Farmhouse, The Cottage.

- Approx 150m to the south are Grade II listed buildings including Little Chegworth and Chegworth Court Farmhouse.
39. Section 66 (1) of the Act requires special regard to be had to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses when dealing with planning applications.
40. The significance of the LBs is derived mostly from their age, architectural quality and contribution to the rural character of the area as traditionally constructed buildings. The appeal site is located a considerable distance from the LBs and separated from them by hedgerow planting, open fields and trees. Given the distances involved there is very limited intervisibility. As such, while resulting in a change on the site, the proposals would preserve the significance of the identified designated heritage assets.

Other considerations

41. Letters of support for the proposal have been submitted by the trade organisation 'Produced in Kent' and Maidstone Borough Council's Marketing and Events Manager. The letters confirm the growth in popularity for self-catering and alternative accommodation, identify that the glamping market is growing, outline that food and drink attractions are central to local tourism, and highlight the benefits of the farm shop for local producers and the local economy.
42. I understand that the glamping business has been successfully operating for four seasons, and the appellant now seeks to increase the amount of accommodation provided. The proposal would be a form of farm diversification and I acknowledge that the Framework supports the expansion of existing economic development in the countryside, and that businesses should be enabled to grow, develop and modernise.
43. The appellant identifies that the proposal would support jobs and tourism spend within the local area with wider benefits for the local economy in line with the Framework's support for economic growth. Given the scale of the proposal I attribute moderate weight to these benefits.
44. There would be some minor green infrastructure and biodiversity enhancement to the appeal site. However, there is no substantive evidence before me to suggest that these benefits could not be achieved by a proposal that would not result in the identified harm. Hence, I attribute limited positive weight to these factors
45. I acknowledge that the proposal may be compliant with various other provisions of the development plan. I am satisfied that no harm would arise to protected species subject to the relevant planning conditions. I also note that no technical objections were raised to the proposal in relation to highways, flooding or environmental issues. However, the absence of harm or conflict with other relevant development plan policies is a neutral factor and does not weigh in favour of the proposal.

Planning Balance

46. The car parking area is unacceptable having regard to the harm to the rural character and appearance of the surrounding countryside, including the effect on the LVLLV. Significant weight is afforded to this conflict.

47. The proposal would improve the quality and mix of holiday accommodation, and would provide economic benefits. The location of the farm shop conflicts with the aims of Policy LPRSP14(C) insofar as it encourages sustainable travel. However, I have found that any conflict is significantly tempered by my findings in relation to the proposal's compliance with the aims of Policy LPRCD1. I therefore afford very limited weight to this conflict.
48. Despite the weight afforded to the benefits of the scheme, they would not, even collectively, outweigh the significant weight I attach to the harm that would result to the character of the area and LVLLV. The adverse impacts in this case significantly outweigh the benefits when assessed against the development plan and Framework.

Conclusion

49. The proposal would fail to accord with the development plan as a whole. There are no material considerations that indicate that the proposal should be determined other than in accordance with the development plan. Therefore, for the above reasons and having regard to all matters raised, I conclude that the appeal should be dismissed.

B Pattison

INSPECTOR