



Appeal Decision

Site visit made on 24 June 2025

By Terrence Kemmann-Lane JP DipTP FRTPI MCMI

an Inspector appointed by the Secretary of State

Decision date: 07 July 2025

Appeal Ref: APP/U2235/W/25/3360310

Land adjoining Little Chippings, Lenham Road, Kingswood, ME17 1LZ

- 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 Ian Kendal against the decision of Maidstone Borough Council.
 - The application Ref is 24/502454/FULL.
 - The development proposed is the erection of a self-build two bedroom detached chalet bungalow with associated off street parking.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are: i) the suitability of the location of the site for a new dwelling in terms of access to facilities and services for day to day living; ii the effect of the proposed chalet bungalow on the streetscene and character of the area.

Reasons

3. The appeal site is garden land, part of the curtilage of Little Chippings. The vehicle access to Little Chippings is from an access drive from Lenham Road, to the south of the site. There is also a pedestrian access into the site from Holly Tree Close that runs along the western boundary of Little Chippings. To the west of the site is Heatherwood Close, a cul-de-sac of chalet bungalows. The site is within the built up area of Kingswood. There is a parade of 4 shops/commercial units, close to the appeal site which, at the time of my visit, were in use for 3 businesses, a kebab and pizza takeaway, a physiotherapist (occupying 2 units), and an electronics services business. The village also has a recreation and sports field with an equipped outdoor play area, a scout hut and a general stores and post office.

The suitability of the location of the site for a new dwelling in terms of access to facilities and services for day to day living

4. As pointed out in paragraph 2 of the National Planning Policy Framework (NPPF), "Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The development plan in this case is Maidstone Borough Council Local Plan Review, adopted March 2024 (LPR). This is obviously an up to date plan, and I also note that the council has a housing land supply going forward of between

5.35 and 7.19 years, as found in a recent appeal decision (APP/U2235/W/22/3305441), and between 2019/20 and 2021/22 has delivered 191% of the number of homes required to be delivered.

5. Policy SP9 of the LPR states: *“Development proposals in the countryside will not be permitted unless they accord with other policies in this plan and will not result in significant harm to the rural character and appearance of the area.”* Policy LPRSP8 (Smaller Villages), which includes Kingswood in the list of such villages, states at paragraph 2 *“Smaller Villages offer a limited opportunity for new plan-led development which can support the continued sustainability of the settlement. This is expected to come forwards through site allocations LPRSA360 (approximately 30 dwellings) and as a broad location development, in the last 10 years of the plan period.”* In order to comply with paragraph 2 there are a number of criteria, set out in paragraph 3, at least 2 of which are not met – the proposal would not be linked to the retention or expansion of specific infrastructure or service assets and does not have “community support”. In addition, 1 additional household would not make a material difference in terms of supporting and retaining local services (paragraph 3c.).
6. Within the supporting text, infilling and the redevelopment of brownfield sites is encouraged under policy LPRSP8, but in this case the appeal site does not comply with the usual definition of infill, although a gap in the substantial hedge at the back edge of the footway has been created. This looks somewhat incongruous at present because it is closed off with a close boarded fence. If it were opened up, it would simply look like an entrance to the curtilage of Little Chippings. Furthermore, it would not appear as an infill plot in the streetscene since it would not reflect the width of frontage of the neighbours to the south of Little Chippings which provide the visual context of frontage development at this point. In addition, the site does not meet the definition for brownfield sites (previously developed land) in Annex 2: Glossary of the NPPF.
7. In terms of accessibility to day to day services, there are the 3 businesses close by, referred to above, and the general stores and post office in Charlesford Avenue about 600m away. I am also told that there is a bus service from Kingswood to Maidstone that operates on Wednesdays only. I am far from convinced that most households in Kingswood, including any future occupants of the proposed dwelling, would not use private vehicles for most shopping, employment, education, health services, and for much of their leisure.
8. For these reasons I can see no justification for permitting a development that conflicts with the development plan policies that are most relevant to the proposal.

The effect of the proposed chalet bungalow of the streetscene and character of the area

9. Now that a length of hedge has been removed and a dropped kerb has been formed, the character of the immediate vicinity of Little Chippings has been substantially altered. It certainly appears that the author of the delegated report on the application was not aware of this, which throws some doubt on the reasons for the judgement made in respect of this issue.
10. The appeal plot is narrow, and the proposed chalet bungalow would not sit well in relation to Little Chippings and the neighbours to the south. However, there are bungalows from the turning point at the head of Holly Tree Close to the junction

with Heatherwood Close and chalet bungalows in Heatherwood Close itself, which is opposite Little Chippings. However, the bungalows and chalets are semi-detached, which gives their frontages a wider appearance. On balance, I conclude that the proposed chalet bungalow would not amount to good design in its general scale and form, because it would not sit well with Little Chippings, with which it would be clearly seen now that a length of hedge has been removed, and its neighbours to the south.

Conclusion

11. In view of the conclusion that I reached on the first issue and the fact that I find that the proposed chalet bungalow would not be good design in its immediate setting, the appeal will be dismissed.

Terrence Kemmann-Lane

INSPECTOR