



Appeal Decision

Site visit made on 4 July 2025

by **G Sylvester BSc (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 22 July 2025

Appeal Ref: APP/U2235/W/25/3362151

Gaskin Valley Farm, Lenham Road, Fairbourne Heath, Kent ME17 1NA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 as amended (“the Act”) against a refusal to grant planning permission.
 - The appeal is made by Mr S King of Knowle Game Farm against the decision of Maidstone Borough Council.
 - The application Ref is 24/503013/FULL.
 - The development proposed is a permanent agricultural workers dwelling to serve the essential needs of the holding.
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Decision

1. The appeal is allowed and planning permission is granted for a permanent agricultural workers dwelling to serve the essential needs of the holding at Gaskin Valley Farm, Lenham Road, Fairbourne Heath, Kent ME17 1NA, in accordance with the terms of the application, Ref 24/503013/FULL, and subject to the conditions in the attached schedule.

Application for costs

2. An application for an award of costs was made by Mr S King of Knowle Game Farm against the decision of Maidstone Borough Council and is the subject of a separate decision.

Procedural Matters

3. The Council refused planning permission for 2 reasons. However, in light of a review of its case following the lodging of the appeal, together with the appellant’s submission of a Landscape and Visual Appraisal (LVA) with their appeal, the Council confirmed that it would not defend those reasons for refusal, and presented no further evidence against the appeal scheme. Opposition to the appeal proposal was, however, put forward during the determination of the planning application by the Parish Council and local residents, and those matters form the basis of the main issues in this appeal.

Main Issues

4. The main issues in this appeal are:
 - Whether there is an essential need for a rural worker to live at or near their place of work in the countryside on the appeal site.
 - The effect of the proposed development on the character and appearance of the area, with particular regard to its location in the countryside.
 - The effect of the proposed development on highway safety.

- Whether the proposed development would provide adequate living conditions for future occupants with particular regard to noise and disturbance from the use of the shared access track.
- The effect of the proposed development on biodiversity and ecology.

Reasons

Essential need

5. The farming enterprise covers an extensive area of land with a sizeable stock of animals including lambs, ewes and game birds. The Council's position at the appeal stage, supported by the advice it received from its Agricultural Advisor (AA), is that the appellant's evidence demonstrates that there is an essential need for a full-time rural worker to live at the appeal site. The Council is satisfied that the proposal meets the necessary functional and financial tests set out in development plan policy, including in respect of its size and build costs.
6. I have had regard to the evidence put before the Council by the appellant and the advice of its AA. No substantive evidence has been advanced by any other party to justify departing from the Council's conclusions on this matter. I therefore conclude on this main issue that the proposed development would meet a demonstrable essential need for a rural worker to live permanently at their place of work at the appeal site, consistent with the requirements of Policy LPRCD3 of the Maidstone Borough Council Local Plan Review 2021-2038, Adopted March 2024 ("the MBCLPR").

Character and appearance

7. The appeal site is situated within an expansive undulating rural landscape of fields and woodlands that stretches out across the opposite side of the valley, the river and the M20, giving panoramic views towards the Kent Downs National Landscape ("the KDNL") in the distance. This is broadly reflective of the Maidstone Landscape Character Assessment 2013, which identifies the appeal site as within the Kingswood Plateau Landscape Character Area, largely characterised by extensive mixed woodland, along with arable fields that allow open views across the landscape from Lenham Road.
8. Although influenced by the adjacent large-scale agricultural building, the appeal site's condition and absence of built development contributes positively to the rural character and appearance of its surroundings and the wider landscape. It has intrinsic character and beauty as part of the wider countryside. In this context, the built form of the proposed dwelling, together with the accumulation of domestic paraphernalia, would have an urbanising effect on the appeal site that would erode its contribution to the character and appearance of the countryside. This would be most noticeable in localised short distance views from nearby private land, including the shared access track, albeit lessened by the proposed dwelling's low-rise height and its close relationship with the larger adjacent agricultural building.
9. The appellant's LVA, which was undertaken in winter when trees were not in leaf, found that views of the proposed dwelling in near-to-medium distance views, including from nearby public rights of way and from the Lenham Road, would be partial due to the obscuring effects of the undulating topography, tree planting and the existing larger agricultural building.

10. The visual impacts on receptors would, at worse, amount to a minor adverse effect from some viewpoints, and a negligible adverse effect from most others, including those near to residential properties on Lenham Road. In long distance views across the valley from the KDNL, the proposed development would be barely discernible. Based on my experiences at the site visit, I concur with the appellant's LVA that the proposed dwelling would have a minor adverse impact on the character of the rural landscape, and it could be softened by additional planting.
11. Taking all the above into account, I conclude on this main issue that the proposed development would have an adverse effect on the character and appearance of the area, with particular regard to its location in the countryside, contrary to MBCLPR Policies LPRSP15 and LPRQD4, insofar as they require development to respond positively to the character of the area and maintain local distinctiveness including landscape features.
12. For the same reasons, it would be contrary to Paragraphs 135 and 187 of the National Planning Policy Framework ("the Framework"), which require development to, amongst others, be sympathetic to local character including landscape setting, and to contribute to and enhance the natural and local environment.

Highway safety

13. The proposed dwelling would share an existing access track that is relatively wide at the junction with Lenham Road and serves a number of other properties, including providing access to agricultural and equestrian uses. I have no substantive evidence to show that the use of the existing access is significantly harmful to highway safety.
14. I observed at my site visit that the flow of traffic along Lenham Road and passing the point of the access track was at a low level. Vehicles were being driven at modest speeds, particularly from the east, which I attributed to drivers exercising caution due to the narrowness of the rural road and its gradient near to the site access, and to the presence of nearby residential properties and their accesses. Although my visit was a snapshot in time, I have limited substantive evidence to demonstrate that the traffic flows and vehicle speeds that I observed were abnormal.
15. The alignment of Lenham Road to the west of the access track's junction would provide the driver of a vehicle waiting on the access track to join the road, and the driver of a vehicle approaching within the carriageway from the west, with sufficient visibility to see each other and avoid collisions.
16. The field of vision for the driver of a vehicle waiting on the access track to join Lenham Road, and the driver of a vehicle approaching it within the carriageway from the east would be comparatively shorter due to the road's gradient and curvature. However, the driver of the waiting vehicle would have an elevated view of the road and the approaching vehicle, and would be able to avoid pulling out in front of them.
17. The driver of the approaching vehicle from the east would be able to see the waiting vehicle for some distance before reaching the access junction. Furthermore, they would be expected to be exercising a degree of caution and

driving at slower speeds given the crest of the hill slope, which limits their forwards visibility much beyond the junction of the appeal site's access track.

18. Given the small number of daily vehicle trips generated by the proposed dwelling and the traffic conditions and vehicles speeds that I observed on my visit, I am satisfied that the driver of a vehicle exiting the site and the drivers of vehicles travelling within the carriageway would have adequate visibility to be able to see each other and avoid collisions.
19. For these reasons, I conclude that the proposed development would not have a harmful effect on highway safety, consistent with Framework Paragraphs 115 and 116 insofar as they require that a safe and suitable access be achieved for all users of a development and that development should only be prevented or refused if there would be an unacceptable impact on highway safety.

Living conditions

20. The unmade access track to the appeal site could be used at any time of the day. However, it serves a relatively small number of properties, and I am satisfied that noise generated by vehicles travelling along it would not be harmful to the living conditions of the proposed dwelling's future occupants. Accordingly, the proposed development would be consistent with the Framework's requirement to provide a high standard of amenity for future users. The Council raised no such concerns in this regard.

Biodiversity and ecology

21. In having regard to the appellant's Preliminary Ecological Appraisal (PEA) and the consultation advice of the County Council's Ecologist, I am satisfied that the proposed development would not be harmful to ecology or protected species. I am satisfied on the evidence before me that the proposal would be capable of achieving the requisite gains in biodiversity, including those set out in the Council's policies. For these reasons, the proposed development would be consistent with Framework Paragraphs 187 and 193 insofar as they require planning decisions to minimise impacts on and provide net gains for biodiversity

Other Matters

22. Since the appeal was lodged the Council has granted planning permission to the appellant, ref. 25/500953/FULL dated 9 June 2025, for the erection of a permanent agricultural workers dwelling with associated parking and access in the same position on the appeal land. The approved dwelling would be slightly smaller but otherwise comparable in scale, form, appearance and layout to the appeal scheme before me. The extant planning permission has created a fallback position that is highly likely, given the essential need for a dwelling for a rural worker, to be implemented were this appeal to fail. The fallback development therefore carries substantial weight in favour of the appeal scheme.

Planning Balance

23. The appeal site is located within the countryside which is defined in MBCLPR Policy LPRSP9 as all those parts of the plan area outside the settlement boundaries of the Maidstone Urban Area, Rural Service Centres and Larger Villages defined on the Policies Map. On the evidence before me, there is a demonstrable essential need for a full-time rural worker to live permanently in the

countryside in the proposed dwelling, consistent with MBCLPR Policy LPRCD3, and the provisions of the Framework Paragraph 84.

24. Whilst the appeal proposal would have an adverse effect on the rural character and appearance of the area, contrary to MBCLPR Policies LPRSP15 and LPRQD4, the magnitude of the harm, which would not be significant, would be outweighed by the essential need for a dwelling in this countryside location. Accordingly, the appeal proposal is consistent with MBCLPR Policy LPRSP9, as an exception to the spatial strategy in MBCLPR Policy LPRSS1, which seeks to restrict development in the countryside and protect the rural character of Maidstone Borough by focussing development on urban areas and named settlements, amongst others. Consequently, I consider that the appeal proposal accords with the development plan when read as a whole.

Conditions

25. The Council has suggested a number of planning conditions in the event of the appeal being allowed. I have considered them in accordance with the tests for imposing conditions set out in the Framework and the Planning Practice Guidance. Where necessary, I have amended the wording of the suggested conditions to ensure compliance with the tests.
26. In the interests of certainty of the planning permission granted, it is necessary to specify the approved plans. However, there is limited justification for imposing a general and broadly framed requirement for carrying out the proposed development in accordance with the supporting documents.
27. Several of the suggested conditions include lists of details that should be submitted for approval, documents that should be adhered to, or third-party organisations that should be consulted. I have omitted most of those not because they were necessarily unacceptable, but to give the parties flexibility over the details that need to be addressed.
28. In the interests of the character and appearance of the area, the proposed dwelling's ground floor slab level needs to be controlled, the external materials and storage facilities for bins and bikes need to be approved, and the development needs to be landscaped. However, given the location and context of the appeal site, requiring physical samples of the external materials to be submitted for scrutiny is unnecessary and details would suffice. I find no justification on the evidence before me that permeable hard surfacing materials are necessary.
29. The requirement for soft planting in the first planting season following occupation unnecessarily duplicates the control imposed by the timetable for implementing all landscaping and has been omitted.
30. Conditions relating to lighting and working methods are necessary to protect badgers and bats in accordance with the recommendations of the PEA. The appeal planning application post-dates the introduction of Schedule 7A to the Act which makes all new planning permissions, except where subject to one of the defined exemptions, subject to Biodiversity Net Gain. I am not aware that an exemption has been claimed in the present case. Nonetheless, in accordance with development plan policy it is necessary to impose a condition to secure the requisite gain in biodiversity. Given the scale of the development and the

openness of the surrounding rural environment the provision of gaps in the boundaries to allow the free passage of wildlife is unnecessary.

31. Details of foul water drainage are necessary to protect the environment. However, I find no substantive justification for securing a potable water supply to the development or reasons to doubt that one could be requisitioned. A condition is necessary to mitigate the risks of unexpected contamination on people, the environment and its ecology.
32. In accordance with MBCLPR Policy LPRCD3 a condition is necessary to restrict occupation of the dwelling to a person employed in agriculture in the locality. I have also imposed a condition removing permitted development rights for enlargements to the dwelling to ensure its size remains commensurate with the functional needs of the holding. However, there is no clear justification for the removal of permitted development rights for the addition of a small-scale domestic porch, roof alterations as distinct from enlargements, or the erection of outbuildings, gates, fences, walls or other means of enclosure.
33. Conditions are necessary to ensure the development meets development plan policies that require adherence to optional accessibility and water efficiency standards under the building regulations, and to achieve the sustainability objectives of reducing carbon emissions through renewable or low-carbon sources.

Conclusion

34. For the reasons given above, I conclude that the appeal proposal is consistent with the development plan when read as a whole. There are no other material considerations, including the provisions of the Framework, to indicate that a decision should be made other than in accordance with the development plan. Consequently, the appeal is allowed.

G Sylvester

INSPECTOR

Schedule of conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 010 Rev B; 020 Rev B; 030 Rev B; 060 Rev B; 070 Rev B; 071 Rev B.
- 3) The development hereby approved shall not commence until details of the finished levels of the ground floor of the proposed building in relation to existing ground levels have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 4) No development above ground floor slab level shall take place until a hard and soft landscaping scheme, including an implementation timetable and a 5 year landscape management plan, has been submitted to and approved in writing by the local planning authority. The approved scheme shall be carried out and managed thereafter in accordance with the approved implementation timetable and management plan. Any of the approved soft landscaping which fails to establish or any trees or plants which, within five years from the first occupation of the dwelling, are removed, die or become so seriously damaged or diseased that their long-term amenity value has been adversely affected shall be replaced in the next planting season with plants of the same species and size as detailed in the approved landscape scheme.
- 5) No development above ground floor slab level shall take place until details of boundary treatments have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details prior to first occupation of the dwelling hereby approved and retained as such thereafter.
- 6) No development above ground floor slab level shall take place until details of the materials to be used in the construction of the external surfaces of the dwelling hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 7) No development above ground floor slab level shall take place until details for a scheme for the enhancement of ecology on the site has been submitted to and approved in writing by the local planning authority. The scheme shall consist of the enhancement of ecology through methods integrated into the building structure by means such as swift bricks, bat tube or bricks to provide wildlife niches and additionally through provision within the site curtilage of measures such as bird boxes, bat boxes, bug hotels, log piles, wildflower planting and hedgerow corridors. The development shall be implemented in accordance with the approved details prior to first occupation of the dwelling hereby approved and retained and maintained as such thereafter.
- 8) The development hereby approved shall not commence above slab level until details of how decentralised and renewable or low-carbon sources of energy

will be incorporated into the development hereby approved to provide at least 10% of total annual energy requirements of the development, have been submitted to and approved in writing by the local planning authority. The approved details shall be installed and operational prior to the first occupation of the dwelling and shall be retained and maintained as such thereafter.

- 9) The development hereby permitted shall not be occupied until facilities for the storage and collection of refuse bins, and secure bicycle storage have been installed in accordance with details that have first been submitted to and approved in writing by the local planning authority. The approved facilities shall be retained and maintained as such thereafter.
- 10) The development hereby permitted shall not be occupied until works for the disposal of sewage and waste have been provided on the site to serve the development hereby permitted, in accordance with details that have first been submitted to and approved in writing by the local planning authority.
- 11) If during construction works evidence of potential contamination is encountered, works shall cease and the site fully assessed to enable an appropriate remediation plan to be developed. Works shall not re-commence until an appropriate remediation scheme has been submitted to, and approved in writing by, the local planning authority and the remediation has been completed. Upon completion of the building works, this condition shall not be discharged until a closure report has been submitted to and approved in writing by the Local Planning Authority. The closure report shall include details of;
 - (a) Details of any sampling and remediation works conducted and quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology.
 - (b) Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from the site.
 - (c) If no contamination has been discovered during the build then evidence (e.g. photos or letters from site manager) to show that no contamination was discovered should be included.
- 12) The development hereby permitted shall be carried out in accordance with the precautionary mitigation measures relating to Badgers as set out in section 4.11 of the Preliminary Ecological Appraisal by Ecology Partnership dated 11 July 2024.
- 13) The dwelling hereby permitted shall meet the higher level of water efficiency of 110 litres per person, per day as set out under the building regulations Part G2 or any superseding standard. The dwelling shall not be occupied unless this standard has been met and the dwelling shall be thereafter retained as such.
- 14) The dwelling hereby permitted shall meet the accessible and adaptable dwellings building regulations Part M4(2) standard or any superseding

standard. The dwelling shall not be occupied unless this standard has been met and the dwelling shall be thereafter retained as such.

- 15) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development permitted by virtue of Classes A and B of Part 1 of Schedule 2 to the Order shall be undertaken.
- 16) The occupation of the dwelling hereby permitted shall be limited to a person solely or mainly working, or last working, in the locality in agriculture or in forestry, or a widow or widower or surviving civil partner of such a person, and to any resident dependants.

End of schedule