



Appeal Decision

Site visit made on 3 September 2025

by Lynne Evans BA MA MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 12 September 2025

Appeal Ref: APP/A2280/D/25/3367281

The Black House, Lower Rainham Road, Gillingham ME7 2XH

- 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 Mark Gilbert against the decision of Medway Council.
 - The application Ref is MC/25/0190.
 - The development proposed is removal of part of the boundary hedge, install a wooden farm gate and drop kerb and lay a permeable gravel parking area to create additional parking for family and visitors.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are:
 - The effect of the proposal on the significance and setting of the Grade II listed building, and on the character and appearance of the local area, and
 - Whether the proposal would harm highway safety with particular regard to the provision of visibility splays.

Reasons

Grade II listed building and character and appearance

3. The appeal property is a designated heritage asset, a Grade II listed building on the north-east side of Lower Rainham Road (B2004). The listed building is in residential use and has been extended on its south-eastern side, together with a detached outbuilding further to the south-east, all served by a single access point. The frontage to the road is a low wooden fence with a hedge immediately behind.
4. The surrounding area is mixed in character and appearance with groups of residential dwellings and some commercial uses, interspersed with open land, including the Riverside Country Park which wraps around the appeal property. Reflecting the mixed character of the local area, there are a variety of frontage treatments, including both open frontages, as well as fences, hedges and hedgerows.
5. The proposal is to introduce a new access off the Lower Rainham Road to the south-east of the detached outbuilding for additional car parking with a permeable gravel parking area.

6. Section 66 (1) of The Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural interest which it possesses, in considering whether to grant planning permission for development which affects a listed building or its setting. Paragraphs 207 onwards of the National Planning Policy Framework (Framework) also sets out that in determining applications affecting heritage assets, regard should be had to the significance of the heritage asset including any contribution made by its setting.
7. The significance of the listed building relates to both its architectural and historic interest, being an early to mid-17th century farmhouse / worker's cottage with later changes to the fenestration. The proposed additional parking area would be situated to the east of the detached outbuilding which forms a solid built divide between the proposed car parking area and the listed house. The existing outbuilding would therefore screen the proposed car parking area from the main house. Materials for the car parking area would be in keeping with the wider domestic curtilage and would not appear out of keeping with the site. Given the form of proposed development and its siting to the east of the more recently constructed outbuilding, I do not consider that the proposed new access and car parking area would harm the significance of the designated heritage asset, including its setting.
8. The Council's reason for refusal refers to the proposal resulting in a cumulative impact to the significance of the Grade II listed building. However, my decision is necessarily based on the proposal before me rather than addressing development that has already been permitted and built.
9. Part of the existing hedge would need to be removed and / or reduced in height to accommodate the access and associated requirements such as visibility splays, which I address further below. However, I consider that there is sufficient variety in the frontage treatment within the local street scene, including fences, hedges and hedgerows as well as open frontages, that the removal and changes to some of the hedge fronting the site would not materially harm the street scene or the generally verdant character and appearance of the local area.
10. I am therefore satisfied that there would be no material harm to the significance of the designated heritage asset including its setting, as a result of the proposed development. The significance of the listed building and its setting would be preserved. I also conclude that the street scene and the character and appearance of the local area would not be materially harmed. There would be no conflict with Policies BNE1 and BNE17 of the Local Plan and the Framework, with particular regard to Sections 12 and 16 all of which, amongst other matters, seek a high quality of design which respects the local context and the significance of designated heritage assets including their settings.

Highway Safety

11. At the time of my site visit there was a steady flow of traffic in both directions, along the Lower Rainham Road (B2004) which is subject to a 40mph speed limit. There is a pavement along the side of the road adjacent the appeal property.
12. No information has been provided with the proposal in relation to the provision of visibility splays or detailed information about the access proposals. Whilst the proposed access would be on a relatively straight section of road, the access is

shown close to the south-eastern boundary of the site. It is not clear to me that it would be possible to provide the necessary visibility splays towards the south-east as the land beyond the proposed access, which currently has a dense hedgerow frontage, would not appear to be under the control of the Appellant. The land to the north-west would appear to be under the control of the Appellant, and albeit with some potential works to reduce or remove a section of the existing hedge, it would appear that the visibility splays may be capable of being provided.

13. However, without the necessary information before me regarding the provision of the appropriate visibility splays, I cannot be satisfied that the proposal would not result in harm to highway safety to both vehicles and pedestrians. This would conflict with Policies T1 and T13 of the Local Plan and the Framework and in particular paragraphs 115 and 116, all of which amongst other matters seek that safe and suitable access can be provided for all users.

Planning Balance and Conclusion

14. I have found that the proposal would preserve the significance and setting of the designated heritage asset and would not harm the character and appearance of the local area. I have taken into account the reason for seeking the additional parking area. However, these findings and matters do not outweigh my concerns in respect of highway and pedestrian safety. On the basis of the information before me, and lack of information in respect of visibility splays, I cannot be satisfied that the proposal would not result in harm to highway and pedestrian safety.
15. For the reasons given above and having regard to all other matters raised, I conclude that this appeal should be dismissed.

L J Evans

INSPECTOR