



Appeal Decision

Site visit made on 23 September 2025

by David Smith BA(Hons) DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 OCTOBER 2025

Appeal Ref: APP/U2235/W/25/3368449

Land adjacent to The Glen, Headcorn Road, Grafty Green, ME17 2AT

- 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 MD Mamun UL Ghoni against the decision of Maidstone Borough Council.
 - The application Ref is 24/504269/FULL.
 - The development proposed is erection of a self-build single storey 4 bedroom bungalow with associated access and parking.
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Decision

1. The appeal is dismissed.

Main Issues

2. These are:
 - Whether the proposed dwelling would be in a suitable location having regard to the proximity to services and facilities and the likely use of sustainable transport modes;
 - The effect on the character and appearance of the surrounding area;
 - The effect on protected species; and
 - The effect on highway safety with particular reference to visibility splays.

Reasons

Location

3. The spatial strategy in Policy LPRSS1 of the Maidstone Borough Local Plan Review (2021-2038) indicates that smaller villages such as Grafty Green may have potential to accommodate limited growth.
4. Policy LPRSP8 provides that small scale housing development within villages will be acceptable subject to certain criteria. The appeal site is more than 1km from the centre of the village and there is scattered rather than continuous development along Headcorn Road. It is therefore clearly outside the main nucleus of Grafty Green and not within it. The proposal therefore does not benefit from the support of this policy. Indeed, Policy LPRSP9 which generally restricts development in the countryside is more applicable.
5. One of the principles of good design in Policy LPRSP15 is that opportunities for permeability and linkages to the surrounding area and local services should be maintained and maximised. Policy LPRSP9 supports opportunities to improve

walking and cycling connections in the countryside. Whilst the National Planning Policy Framework recognises that sustainable transport solutions will vary between urban and rural areas, its main aim is to promote sustainable transport.

6. In this regard, the nearest bus stops serve a restricted and infrequent service during school term times only with no weekend service. The stations at Lenham and Headcorn are up to around 6km away. The appellant's table highlights other facilities in the area including a school and convenience stores but these are all further away than a reasonable walking distance. Whilst cycling is theoretically feasible, the attractiveness of this would be reduced during hours of darkness. In any case, the range of facilities nearby is limited as noted by the Inspector in the Woodcock Lane appeal (Ref: APP/U2235/W/17/3170298).
7. As a result, the strong likelihood is that future residents would be compelled to make the vast majority of trips by car contrary to the aims of local and national policy. The appeal site is simply not in a good location to facilitate the use of sustainable transport modes. This objection means that the proposal would be contrary to the intentions of Policy LPRSP15.

Character and appearance

8. The site is within the Low Weald Landscape of Local Value. The Landscape Character Assessment identifies the site as within the Ulcombe Mixed Farmlands. It comprises a largely undeveloped parcel of land sandwiched between a chalet bungalow at The Glen and the extensive self-build residential development at Boughton Park. Because of this the land does not contribute strongly towards the key characteristics of the wider landscape.
9. The proposed dwelling would be of considerable depth but would be set back into the site. It would therefore be well screened in distant views by The Glen on one side and the large boundary trees on the other. As a result, it would not be prominent or intrude into the grassed area in front of Boughton Park and Willington Lodge. The new access would lead to the removal of some hedging and the front parking area and other paraphernalia would urbanise the site. Nevertheless, because of its location between existing built development, the effect of this would be insignificant.
10. The new dwelling would be taller than either of its immediate neighbours. However, there is two-story development in the vicinity, including the houses at Boughton Park. Its scale is therefore acceptable. The floor plan and roof design are intricate in order to reduce the overall mass of the structure. There is no overriding style that prevails amongst the closest residential buildings. The proposal includes traditional pitched roof forms and materials and would therefore sit comfortably in its setting. The Framework recognises the intrinsic character and beauty of the countryside but the proposal would not prejudice its qualities.
11. Therefore, the proposed dwelling would not harm the character and appearance of the surrounding area. As such, it would accord with Policy LPRQD4 of the Local Plan Review which sets out design principles in the countryside as well as the good design principles in LPRSP15 and the relevant part of Policy LPRSP9.

Protected species

12. Policy LPRSP15 seeks to protect and enhance any on-site biodiversity features. The appellant has undertaken a dormouse survey as the preliminary ecological appraisal identified a risk of them being present. No signs were found but the report notes that to provide confidence in a negative result the survey would need to continue until November 2025. As such, the presence of this protected species and the extent to which dormice may be affected has not been established as required by Circular 06/2005.
13. Another survey records a small number of slow worms and grass snakes. The proposal would result in a loss of reptile habitat and so it is proposed to undertake a translocation exercise. The Biodiversity Officer advises that appropriate mitigation, including details of the off-site receptor site, should be given prior to determination. However, that is not an express requirement of Circular 06/2005 or policies in the Local Plan Review and the matter could, if necessary, be covered by condition.
14. Nevertheless, in the absence of full survey information relating to dormice, the proposal would be likely to have a significant direct or indirect adverse effect on this species due to the loss of habitat. This would be contrary to Policy LPRSP14 on the natural environment and there would also be conflict with Policy LPRSP15.

Highway safety

15. The Council wishes to achieve visibility splays of 2.4m by 43m in both directions with no obstruction over 1.05m in height. These are not shown on the submitted plans. As the access would be at the northern end of the site they could not, in my estimation, be provided on land within the appellant's control. This is because the splay to the north would appear to cut across adjoining land and vision would be affected by the adjoining hedge. The existing gated entrance is more centrally positioned along the site frontage.
16. The road at this point is fairly straight and there is no evidence about the volume or speed of traffic passing the appeal site or how the proposal compares to other access points along Headcorn Road. Nevertheless, the standards exist for a reason and there is nothing to indicate that they should be set aside. As such, this matter should not be dealt with by condition. On the basis of what has been provided, there would be an unacceptable impact on highway safety because of the paucity of forward vision for vehicles leaving the site.
17. As the proposal would not safely accommodate the vehicular movements generated it would be at odds with one of the provisions of Policy LPRSP15.

Other Considerations

18. As of April 2025, the Council had a housing land supply of 4.5 years. This is less than the five years expected in national policy. One additional dwelling would not make a great contribution in this respect but would nevertheless further the Government's objective of significantly boosting the supply of homes. This therefore favours the proposal although not to a significant degree.
19. Policy LPRHOU9 generally supports self and custom build developments. However, these should be in suitable and sustainable locations which this proposal would not be. They should also conform to other Plan policies but this proposal

would not do so. The site is not within an existing linear settlement and access to public transport, local services and facilities would be very limited. As such, the proposed self-build bungalow does not comply with this policy.

20. Furthermore, no evidence has been provided about whether the Council has granted planning permission for enough serviced plots to meet the demand for self-build and custom house building. The Framework encourages authorities to support small sites to come forward for this purpose. As the proposal falls into this category this is a modest positive consideration but there is nothing to indicate a shortfall in available plots that might have elevated its importance.
21. Policy LPRSP8 refers to small scale proposals that have community support either through a Neighbourhood Plan or other Parish endorsement. Whilst the proposal falls outside the ambit of the policy as the site is outside the village, there is nonetheless support for the scheme from the Parish Council as well as from local residents. Particular reference is made to the sympathetic and thoughtful design. Given the overwhelmingly positive feedback reported by the Parish Council, this is a matter that weighs significantly for accepting the proposal.
22. It is claimed that local services would be supported but the likely impact of this has not been quantified. This is therefore a very modest benefit.
23. Three appeals have been referred to where residential development has been accepted outside of settlements and in the countryside. At Oakside Barn, Headcorn it was found that the proposal would be in an unsuitable location with regard to the spatial strategy with poor access to services and facilities. However, this was overridden by an extant prior approval scheme for the change of use of an agricultural building to a dwelling (Ref: APP/U2235/W/22/3309742). The reason for allowing that appeal does not apply here and so that case is materially different.
24. At Warmlake Cottages, Sutton Vallence (Ref: APP/U2235/W/23/3322159) the Inspector was satisfied that the proposal could be accommodated without causing harm to the character and appearance of the area. However, no consideration was given in that decision to the distance of the site from services and facilities. In the Salts Farm House, Maidstone appeal (Ref: APP/U2235/W/23/3323590) the Inspector found that the location was reasonably sustainable given the public transport options available and opportunities for walking and cycling. However, there is nothing to indicate that the land next to The Glen would be more likely to promote the use of sustainable transport than those sites.
25. Furthermore, they can all be distinguished from this case as none of them gave rise to nature conservation or highway safety objections. Overall, those decisions have little significance in the determination of this appeal.

Final Balance

26. The proposed dwelling would not be in a suitable location having regard to its distance to services and facilities and the likely use of the car rather than sustainable transport modes. There would be potential harm to a protected species and an unacceptable impact on highway safety. There would be a conflict with relevant development plan policies as a result.
27. Furthermore, because of this, the proposal would not conform to Policy LPRSP9 as development in the countryside is expected to accord with other Plan policies. For

the same reason neither does the proposal enjoy support from Policies LPRSP8 and LPRHOU9 which are concerned with smaller villages and custom and self-build housing. Therefore, the proposal does not accord with the development plan as a whole.

28. Because of the lack of a five-year supply of deliverable housing sites in Maidstone paragraph 11 d) of the Framework is relevant.
29. There would be benefits associated with the scheme including the provision of an additional dwelling, the delivery of a self-build unit and, more significantly, the local support for it. To an unspecified degree future occupiers would be liable to support local amenities. Taken together, these considerations are not of great force when compared to the objections identified. Indeed, the adverse impacts of the proposal significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. As a result, the presumption in favour of sustainable development does not apply.

Conclusion

30. The proposed development would be contrary to the development plan and there are no other material considerations, including the provisions of the Framework, which outweigh this finding. Therefore, for the reasons given, the proposal is unacceptable and the appeal should not succeed.

David Smith

INSPECTOR