
Appeal Decision

Site visit made on 16 September 2025

by T Wood BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 October 2025

Appeal Ref: APP/U2235/W/25/3367229

Witherden Farmhouse, Lenham Road, Headcorn, Kent, TN27 9LE

- 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 R Lee against the decision of Maidstone Borough Council.
 - The application Ref is 25/501183/FULL.
 - The development proposed is a new site access.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A new access has already been formed in the location shown in the proposal.

Main Issue

3. The main issue in this appeal is the effects of the new access on the safety of users of the adjacent highway.

Reasons

4. The appeal relates to this detached house which has a frontage onto Lenham Road, a 'C' classified road. There is an original access to the east of the site's frontage which serves the house and the adjacent buildings which are in a variety of uses. The new access has been formed at the western side of the site frontage.
5. Lenham Road appears to carry a substantial number of vehicles and my site visit to the area confirms the Council's statement that it carries a significant number of larger commercial vehicles.
6. I can see from the submitted documents that the County Council, as highways authority initially offered the view that visibility splays of 2.4m x 103m would be acceptable but this assumed that the speed limit was 40mph. However, the speed limit is 60mph and their revised advice, also following a site visit, was that visibility splays of 2.4m x 215m should be applied to the access. The appellant submitted the planning application showing splays of 2.4m x 103m. Whilst it may be unfortunate that the County Council offered the initial advice in error, the revised advice follows the guidance set out in Manual for Streets 2 (MfS2) and the Design Manual for Roads and Bridges (DMRB), as set out in the Council's submissions.
7. The appellant has not submitted any evidence in relation to vehicle speeds on this section of the road, which may indicate that lesser visibility splays may be acceptable. In addition, the submissions from the Council refer to analysis of verified collision data

over the past five years. They state that this reveals multiple serious incidents, including one fatality. These matters lead me to conclude that the introduction of the new access here has the clear potential to add to these risks by increasing the likelihood of vehicle conflict. Therefore, the proposal presents a significant safety concern for users of the road here, including the appellant.

8. The appellant indicates that the new access is intended to separate the residential vehicles from those entering the original access to the adjacent land uses. In my judgement, due to the likely low speeds of vehicles within the site, clear of the highway, such conflict would not be likely to present a significant threat to safety. Any marginal benefit in this respect, if it exists at all, would be far outweighed by the threat to safety of road users from the new access. Therefore, there is no overriding need for the new access.

9. At a very late stage in the appeal process, the appellant submitted photographs of the edge of the carriageway outside the site. The photographs show some exposed cobble setts along the edge of the existing running surface, some of which are partly covered by tarmac. The photographs show these at the existing entrance to the site to the east and also at the point where the new access has been formed. The appellant alleges that this indicates that there was a former access at the point where the new access has been formed. In my view it is far from certain that this would have been the case and these cobbles could have defined the edge of an older running surface. Even if the appellant is correct, what is clear is that there had not been an access at this point for some time and the formation of a new access should be considered in the light of traffic and highway conditions now. The possible existence of a previous and since abandoned access does not override the safety concerns that I have expressed.

Conclusion

10. The new access clearly fails to provide suitable visibility splays on this busy road with a 60mph speed limit. There are no overriding safety benefits which arise from the new access which go any way to outweighing the safety concerns. The development is contrary to the advice in MfS2 and DMRB and Policy LPRSP15 of the Maidstone Local Plan Review 2021-2038. Consequently, the appeal is dismissed.

T Wood

INSPECTOR