
Appeal Decision

Site visit made on 30 September 2025

by **G Dring BA (Hons) MA MRTPI MAUDE**

an Inspector appointed by the Secretary of State

Decision date: 21 October 2025

Appeal Ref: APP/A2280/W/25/3364270

Fisherwood House, Sharnal Street, High Halstow, Kent ME3 8QW

- 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 James Frost against the decision of Medway Council.
 - The application Ref is MC/24/0708.
 - The development proposed is 2no. detached 5 bedroom dwellings.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the site address above from the appeal form rather than the planning application form as it more clearly identifies the location of the appeal site. I have taken the description of development from the planning application form, but removed wording that does not form an act of development, in the interests of clarity.

Main Issues

3. The main issues are:
 - whether the site is in a suitable location for new dwellings, having regard to the accessibility of a range of transport modes; and
 - the effect of the proposal on the character and appearance of the area.

Reasons

Location

4. The appeal site is not located within any settlement boundary designated through local planning policies. It is therefore considered as being in the countryside for the purposes of the development plan. Policy BNE25 of the Medway Local Plan Adopted 2003 (LP) states that development in the countryside will only be permitted if it maintains and wherever possible enhances the character, amenity and functioning of the countryside, it offers a realistic chance of access by a range of transport modes and it meets at least one of six identified criteria. Related to this main issue, the Council's concerns relate to the level of access to public transport and services and the reliance on travel by the private car.
5. Whilst located in the countryside, the appeal site is not isolated, given that existing development is present directly adjacent and opposite. Directly opposite the

access point into the appeal site is a pavement that runs alongside Sharnal Street which has street lighting columns present. This footpath provides access to a small shop located at Fenn Garage. Further north, beyond the roundabout, there is the Fenn Bell Inn, Fenn Bell Zoo and commercial buildings, but it appeared that whilst they would be within walking distance of the appeal site, there is not a continuous separate footpath from the appeal site to these services and facilities.

6. Even if I were to find that the services and facilities to the north of the roundabout were accessible on foot, I find that the range and number of services and facilities would be very limited and would not be likely to meet the day to day needs of future occupants. I accept that it may be possible for some to cycle to these services and facilities and within the wider surrounding area, although based on my visit to the local area, some of the roads which you would travel along would not necessarily make cycling attractive to everyone.
7. I viewed the location of the bus stops on Ratcliffe Highway and Christmas Lane during my site visit. Nevertheless, I have no information before me on the number of bus services that can be accessed, where they provide transportation to and from, or the frequency of such services. Therefore, whilst there might be access to public transportation opportunities, I have no compelling evidence before me that these would be sufficient to provide a realistic alternative to the use of the private car.
8. I therefore find that although some needs may be met by the limited services and facilities available in the vicinity of the appeal site, it is likely that future occupants would be heavily reliant on the use of the private car to meet their day to day needs.
9. I note that the Council approved an application at Toilers Croft in August 2023 for the demolition of an existing dwelling and replacement with 4 detached dwellings, in close proximity to the appeal site. The Council's Committee Report stated in that case, *'it is acknowledged that the proposal site is outside of a rural settlement as such the use of private cars would occur. However, the proposal site is within walking distance to local bus services located along Ratcliffe Highway which is accessible via suitably lit footpaths. In addition to this, there is an existing garage with a Spar shop which would provide amenities for future residents of the site'*. This was considered in combination with the point that the site was not isolated and that a larger scheme had also been approved nearby with the Council concluding that the location of the site would not provide a clear reason for refusal.
10. However, since that planning application at Toilers Croft was approved by the Council, two appeal decisions were issued in early 2024 which relate to sites within the vicinity of the appeal site, at The Gables and 5 Bellwood Court. Whilst I note these sites are further removed from the appeal site than Toilers Croft, they both refer to the same services and facilities that I found present during my site visit. I do not find that any of these three examples put to me are significantly different in terms of the limited range of services and facilities that would be accessible by future occupants of the appeal site before me now.
11. In both of those appeal cases the Inspectors found that whilst there would be some sustainable transport options, future occupants would be likely to be reliant on the use of the private car to meet their day to day needs.

12. I am referred by the appellant to a recent case where the Council approved an outline application for two dwellings at land adjacent Kingsnorth, Sharnal Street in September 2025. This other site is within the vicinity of the appeal site. In the Council's Committee report, it suggests that whilst *'local shops would be outside of the accepted 800m recommended walking distance, local shops are within a short trip by car'*. To my mind, this suggests that the Council accept that future occupants of this site would be reliant on the use of the private car, albeit that trips might be short.
13. I understand that in that case the Council found, following the assessment of accessibility of services and facilities and public transport options, that the principle was generally acceptable. Therefore, the Council found that the reliance on cars was not acceptable in the case of the appeal proposal before me now, but was acceptable in this other case at Kingsnorth, leading to an inconsistency in approach. Nonetheless, based on my reasoning above, I agree with the approach taken by the Council on the appeal proposal before me now, and this also aligns with the Inspectors in the other cases identified above. Consequently, I find that future occupants of the appeal proposal before me now would be likely to be reliant on the private car.
14. I noted the presence of the recent development of 35 dwellings constructed at The Hollies on the opposite side of the road and to the north of the appeal site during my site visit. I am also referred to a scheme for 44 dwellings that was granted by the Council in 2024, near to Bellwood Court. It is clear from the submitted Committee Reports, that the Council found that future occupants of both of those schemes would be reliant on the private car. However, due to the scale of those schemes, I note that other material considerations were at play, including contributions secured to promote the use of sustainable modes of transport, and as such I do not find that they are directly comparable to the appeal proposal before me now.
15. I am also referred to a case a short distance from the appeal site at land on the West side of Newlands Farm Road, nevertheless the suitability of the location was not identified as a main issue in that case and therefore is not directly comparable.
16. In conclusion, overall, considering day to day needs, I do not find that the appeal site would offer a realistic chance of access by a range of transport modes. I therefore find that the appeal site would not be a suitable location for the proposed development. As a result, the proposal would be contrary to Policy BNE25 of the LP, the aims of which are set out above.
17. Nevertheless, whilst I do not find that day to day needs could be met by a range of transport modes, I have found that there would be some access to limited services and facilities without the use of the private car. Whilst I therefore find that there would be conflict with Policy BNE25 of the LP, I find the weight to be attributed to this conflict would be limited in the specific circumstances of this case.

Character and appearance

18. The appeal site forms part of the garden space to the front of Fisherwood House which is a large detached two storey dwelling. The front garden is currently a lawned area which is screened from public view by significant vegetation located along the boundaries. Fisherwood House along with the adjacent bungalow form a small pocket of development on the western side of Sharnal Street. Both dwellings

are set back a significant distance from the road within large verdant plots. This pocket of development is surrounded by open countryside and woodland to the south, west and north which means that the surrounding land on the western side of the road is distinctly rural in character.

19. Given the existing residential use of the appeal site, its maintained appearance and due to the very clearly demarcated boundaries which separate the pocket of development from the surrounding land, it does not appear as open countryside visually. Nevertheless, the set back of the built form, the extensive size of the plots and the presence of significant vegetation do contribute to the character of this side of the road, in terms of providing a sense of spaciousness. These features complement the openness of the rural surroundings to the west of Sharnal Street in this location.
20. On the opposite side of Sharnal Street is a large detached dwelling, The Gables. As you head north the pattern of development becomes denser with a variety of dwelling types and plot sizes, which is particularly evident when reaching the new residential estate which extends development to the southeast. The significant majority of built form in this particular area is located on the eastern side of Sharnal Street.
21. The proposal would result in the addition of two detached dwellings to the front of Fisherwood House. The bulk and massing would be comparable to other dwellings within the surrounding area, although the design would appear in my view to represent a more suburban development in appearance. The presence of two projecting gable features to the front elevations for example are not typical of the area, based on what I witnessed during my site visit. I am also not directed to any similar examples set within a similar context in the surrounding area, where such design features are present.
22. The provision of two dwellings on the appeal site along with the associated domestic paraphernalia would result in the intensification of the residential use and the urbanisation of the appeal site. Two storey built form would be brought much closer to the road and would be visible at least in part from Sharnal Street. The development would significantly erode the spaciousness of the appeal site, which in combination with the proposed suburban design approach, would have a harmful effect on the more rural and open character and appearance on this side of the road.
23. Whilst I note that the majority of existing vegetation including the trees along the boundaries would be retained as part of the proposal which would help to screen the development to a certain degree, this consideration would not outweigh my concerns set out above.
24. I am referred to the development at The Hollies and the approved scheme at Toilers Croft as examples of residential development, however both of these schemes are located on the eastern side of the road, where the character and appearance of the area is more built up and is therefore different to that of the appeal site and surrounding land to the west of the road. I am also directed to the appeal decision at The Gables which was dismissed in part on matters of character and appearance. Whilst I agree with the appellant that the context in the case before me now is different, I also find that the scheme before me now would

be harmful to the character and appearance of the area for the reasons set out above.

25. A landscape masterplan relating to a planning application directly to the west of the appeal site, for 760 dwellings along with a new primary school and local centre has been provided. I am also informed that this strategic site is included as part of the preferred growth strategy in the emerging local plan. I accept that if this strategic site did come forward in the future, it might change the local context surrounding the appeal site. However, I must assess the proposal on the character and appearance of the area before me now, not how it might be in the future.
26. I therefore find that the proposal would result in harm to the character and appearance of the area. Given the long lasting effects, I find that the harm would be significant in this case. This would be contrary to Policies BNE1 and BNE25 of the LP, which seek, amongst other things, that developments maintain and wherever possible enhance the character of the countryside and that they are appropriate in relation to character, appearance and functioning of the built and natural environment.

Planning Balance

27. The proposal would fail to provide a realistic chance of access by a range of transport modes to meet day to day needs, nevertheless, given some services and facilities could be accessed without reliance on the private car, I have found that the weight attributed to this matter would be limited. I have found that the proposal would result in significant harm to the character and appearance of the area.
28. I accept that the LP is of some age. However, the overarching aims of Policies BNE25 and BNE1 of the LP, do accord with the Framework in terms of seeking that patterns of growth are managed to promote sustainable transport and that developments should be sympathetic to local character and recognise the intrinsic character and beauty of the countryside. Due to the general consistency of Policies BNE25 and BNE1 with these aims of the Framework, I find that significant weight should be attached to the conflict with the development plan in this case. As there are no policies in the LP which positively favour development in this location and as the proposal would be contrary to the policies referred to above, I find that there would be conflict with the development plan as a whole.
29. It is not a matter of dispute between the parties that the Council cannot currently demonstrate a sufficient five year housing land supply. The appellant identifies a supply figure of 2.7 years. There is limited information before me from the Council on this matter. The appellant also identifies that the Housing Delivery Test figure would fall below the 75% level identified in Footnote 56 of the Framework. Consequently, paragraph 11 d) ii. of the Framework is engaged which means that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework, taken as a whole, having particular regard to directing development to sustainable locations and securing well-designed places.
30. The proposal would result in two new dwellings on a small site, each providing a good standard of accommodation and amount of amenity space. It is proposed that they would be constructed following sustainable design principles. The scheme would be an efficient use of land and given the scale of the proposal it could be built out quickly, in line with the appellant's intended timeframes. This

would support the Government's aim of significantly boosting the supply of homes. There would be associated social and economic benefits, including during the construction phase and from future residents supporting local services and facilities. However, the provision of two new homes would make a limited contribution and therefore attracts only moderate weight.

31. I note that paragraph 110 of the Framework states that opportunities to maximise sustainable transport solutions will vary between urban and rural areas and that this needs to be taken into account. Although, paragraph 115 of the Framework states that sustainable transport modes should be prioritised. Considering the approach in the Framework, and based on the specific circumstances of this case, I have found limited harm in respect of the location of the appeal site. I therefore find limited conflict with the Framework in this respect.
32. However, I have found significant harm in relation to effects on the character and appearance of the area. Paragraph 135 of the Framework states that developments should be sympathetic to local character. The proposal would therefore conflict with this part of the Framework.
33. In combination, the harms I have identified would 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.

Other Matters

34. I understand that the scheme before me now has evolved over time and has been reduced in scale compared to what was put forward initially. Nevertheless, I must assess the appeal proposal before me, based on its individual merits.
35. The evidence before me identifies that the appeal site is located within the zone of influence of the North Kent Marshes Special Protection Area and Ramsar, which are both designated as European sites. The Conservation of Habitats and Species Regulations 2017 (the Regulations) requires the decision maker to undertake an Appropriate Assessment (AA) where there are likely significant effects from the proposal, either alone or in combination with other plans or projects. I note that the appellant has confirmed that a mitigation payment has already been paid in respect of this matter. However, regulation 63(1) of the Regulations indicates the requirement for an AA is only necessary where the competent authority is minded to give consent for the proposal. Therefore, in view of my findings above, it has not been necessary to address this in any further detail. This matter weighs neither for, nor against the proposal.

Conclusion

36. The proposal would conflict with the development plan as a whole and the material considerations, including the Framework, do not indicate that the appeal should be decided other than in accordance with it. Therefore, for the reasons given, the appeal is dismissed.

G Dring
INSPECTOR