



Appeal Decision

Site visit made on 29 September 2025

by J Pearce MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 October 2025

Appeal Ref: APP/U2235/W/25/3365250

Horseshoe House, Dean Street, East Farleigh, Kent ME15 0PU

- 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 Colin Dale against the decision of Maidstone Borough Council.
 - The application Ref is 24/505196/full.
 - The development proposed is the demolition of garden room/office & garage to allow new 2 bedroom dwelling to rear garden.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr Colin Dale against Maidstone Borough Council. This application is the subject of a separate Decision.

Preliminary Matter

3. The description of development in the heading above has been taken from the planning application form. On the appeal form it is stated that the description of development on the application form is still correct. Neither of the main parties have provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the description given on the original application form. I do not consider that this has prejudiced any of the parties and I have proceeded with the appeal on this basis.

Main Issues

4. The main issues are:
 - whether the site is a suitable location for housing having regard to development plan policy and accessibility to services and facilities; and
 - the effect of the proposed development on the character and appearance of the area.

Reasons

Suitable location

5. The appeal site is within a row of dwellings to one site of Dean Street. The parties agree that the site is outside of the settlement boundary of Coxheath, which is identified as a Rural Service Centre within Policy LPRSS1 of the Maidstone Borough Council Local Plan Review 2024 (LPR) and is the secondary focus for

housing development. Policy LPRSS1 also states that protection will be given to the rural character of the borough avoiding coalescence between settlements.

6. The proposal is for a detached dwelling to the rear of the existing dwelling, following the demolition of existing outbuildings. The Council acknowledges that the site would not be excluded from the definition of previously developed land. There is no substantive evidence before me to reach a different conclusion. Policy LPRHOU1 of the LPR sets out the criteria by which proposals on previously development land will be permitted and includes at criterion 1.a. that the site to have poor environmental value and at criterion 2.b. that the site is, or can reasonably be made, accessible by sustainable modes to Maidstone Urban Area, a Rural Service Centre or Larger Village or provides bespoke working from home space.
7. The site is associated with the existing dwelling at Horseshoe House with the outbuildings positioned centrally within the site. The remainder of the site is largely laid to grass with mature trees and shrubs across the site. While the site may not have a high environmental value, the verdant characteristics of the site, including the mature trees and areas of grass contribute positively to the environmental value of the site. Accordingly, and in the absence of contrary evidence in respect of the environmental value of the site, the proposal would not comply with criterion 1.a. of Policy LPRHOU1.
8. The site is detached from the settlement of Coxheath, which is provided with facilities and services, including shops, a school, doctors' surgery and a church. The site is connected to Coxheath via the public right of way forming Pleasant Valley Lane and the footway on the opposite side of Dean Street. However, neither is provided with street lighting whilst the footway is not continuous and requires crossing the unrestricted Heath Road to access the settlement. Consequently, neither the public right of way nor the footway would offer an attractive pedestrian or cycle route to the facilities and services in Coxheath for future occupants, particularly outside of daytime hours and during inclement weather conditions.
9. The site is close to bus stops on Dean Street, which provide services to and from Maidstone. Although the services run from Mondays to Saturdays, there is no substantive evidence before me demonstrating the frequency of the bus route. The National Planning Policy Framework (the Framework) recognises that sustainable transport options vary between urban and rural areas and the walking, cycling and bus routes would be an option for some journeys for future occupants. Nonetheless, it is likely that future occupants would be reliant on private vehicles to access services.
10. The dwelling would have a ground floor study, which could enable future occupants to work from home. The provision of a working from home space could reduce the number of journeys made by future occupants and would lead the proposal to accord with criterion 2.b. notwithstanding the limited accessibility of the site.
11. I conclude that the site would not be a suitable location for housing. The development therefore conflicts with Policies LPRSS1 and LPRHOU1 of the LPR, as set out above.

Character and appearance

12. The appeal site comprises an existing detached dwelling and its extensive garden to the rear. Development in the area is varied in respect of its architecture and scale, but is arranged primarily in a linear pattern set back from Dean Street. The dwellings are typically to the rear of hedges forming the frontage with the road. The frontage hedges and mature trees creates a predominantly verdant character in the area. Development to the rear of dwellings is limited but includes outbuildings such as those at the site.
13. The site is within the Farleigh Greensand Fruit Belt and the Maidstone Landscape Character Assessment 2013 notes that its characteristics include woodland blocks, orchards and frequent settlements. The enclosed fields within the area provide a more intimate landscape, whilst settlement includes linear development along some roads. The site forms part of the ribbon development forming Dean Street with mature trees and hedges enclosing the space to the side and rear of properties, limiting the visual effect of development on the surrounding landscape.
14. The proposed dwelling would largely occupy the position of the existing garage building and would include the subdivision of the rear garden of Horseshoe House. While there are buildings beyond the rear of the existing ribbon development, including outbuildings and the neighbouring dwelling at White Lodge, the position immediately behind the existing dwelling would be discordant with the prevailing linear pattern of development in the area, where properties have a strong relationship with Dean Street. Moreover, the dwelling would intensify the residential use of the site, further urbanising the site and eroding the spaciousness, which partly characterises the areas to the rear of properties fronting Dean Street.
15. Glimpsed views may be possible during the winter months when the trees and hedges are not in leaf. However, the proposal would largely be screened in views from public vantage points by the neighbouring buildings, including those forming the ribbon of development fronting Dean Street. Furthermore, given the enclosed nature of the rear part of the site, and the modest scale of the proposal, the harm caused by the discordant position of the dwelling would be limited. In particular, due to the context of the existing built form at the site and in the area, the proposal would not result in significant harm to the character and appearance of the area, including the landscape character of the Farleigh Greensand Fruit Belt.
16. I conclude that the proposal would harm the character and appearance of the area. The development therefore conflicts with Policies LPRSS1, LPRSP9, LPRSP15, and LPRQD4 of the LPR, which collectively require development proposals to not result in significant harm to the rural character and appearance of the area, create a high quality design, respond positively to, and where possible enhance, the local character of the area, enhance local distinctiveness and ensure impacts on the appearance and character of the landscape would be appropriately mitigated.

Planning Balance

17. The proposed development would deliver a single dwelling, which would provide a boost to the supply of housing through the efficient use of land and existing infrastructure. In addition, the proposal would deliver social and economic benefits both during construction through the creation of jobs, and following occupation

through the use of facilities and services in the surrounding settlements. However, the contribution of a single dwelling and the associated benefits are limited by the scale of development proposed.

18. The appellant states that the dwelling would contribute to meeting the Council's requirements in respect of self-build and custom housing. Nonetheless, the application form indicates that the dwelling would comprise market housing and there is no substantive evidence that demonstrates a shortfall and whether the Council is not meeting its requirements in this regard. Moreover, there is no mechanism before me, including a planning obligation, that would ensure that the proposed dwelling would contribute to the delivery of self-build and custom housing.
19. The appellant asserts that the existing garage could be converted to a dwelling. Nevertheless, I have not been presented with details that demonstrate that such a proposal has planning permission, and it is beyond the scope of this appeal to consider an alternative proposal.
20. The development would provide a suitable level of accommodation for future occupants of the dwelling. In addition, the proposal would not harm the living conditions of the occupants of neighbouring properties. The dwelling would also incorporate renewable energy measures. Nonetheless, the absence of harm is a neutral matter that would not carry weight in favour of the proposal.
21. Taking the stated benefits together, collectively there would be limited benefits associated with the appeal scheme. However, the harm that would result from conflict with the spatial strategy of the development plan would be of greater significance.

Other Matter

22. The objective of Schedule 7A of the Town and Country Planning Act 1990 is for development to deliver at least a 10% increase in biodiversity value relative to the pre-development biodiversity value of the onsite habitat. This increase can be achieved through onsite biodiversity gains, registered offsite biodiversity gains or statutory biodiversity credits.
23. The mandatory condition requiring biodiversity net gain of at least 10% is imposed on permissions granted pursuant of a planning application made on or after 12 February 2024 or 2 April 2024 for small developments such as this. Given that the application was made after 2 April 2024 and there is no mechanism before me to secure the development as self-build housing, the mandatory requirement applies. However, as I am dismissing the appeal on other matters, there is no need for me to consider this matter further.

Conclusion

24. The proposal conflicts with the development plan. The material considerations do not indicate that a decision should be made other than in accordance with the development plan. For the reasons given above the appeal should be dismissed.

J Pearce

INSPECTOR