



Appeal Decision

Site visit made on 1 October 2025

by G Dring BA (Hons) MA MRTPI MAUDE

an Inspector appointed by the Secretary of State

Decision date: 18th November 2025

Appeal Ref: APP/U2235/W/25/3368899

**The Lodge Boughton Mount, Boughton Lane, Boughton Monchelsea, Kent
ME17 4NA**

- 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 and Mrs S Ballard against the decision of Maidstone Borough Council.
 - The application Ref is 24/504110/FULL.
 - The development proposed is demolition of double garage, store and outbuildings. Erection of 1no. self-build two storey dwelling with associated access, parking, landscaping, provision of secure cycle parking facilities and rebuild of a section of the boundary wall.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of double garage, store and outbuildings. Erection of 1no. self-build two storey dwelling with associated access, parking, landscaping, provision of secure cycle parking facilities and rebuild of a section of the boundary wall at The Lodge Boughton Mount, Boughton Lane, Boughton Monchelsea, Kent ME17 4NA in accordance with the terms of the application, Ref 24/504110/FULL, subject to the conditions in the attached schedule.

Applications for costs

2. An application for costs has been made by Mr and Mrs S Ballard against Maidstone Borough Council. This application is the subject of a separate decision.

Preliminary Matter

3. Under paragraph 15 of the new Schedule 7A of the Town and Country Planning Act 1990, all developments are now required to achieve a 10% net gain (the 'biodiversity objective'), unless one of the various exemptions applies. The appellant indicated on the planning application form that the proposal would be exempt from the biodiversity objective, due to the development being self-build. However, there was no mechanism submitted to secure the development as a self-build dwelling. The appellant has now submitted a Unilateral Undertaking (UU) which would secure the scheme as a self-build development. The Council has had the opportunity to comment on the submitted UU. I have considered the proposal on this basis.

Main Issues

4. The main issues are:
 - the effect of the proposal on the character and appearance of the area;

- the effect of the proposal on The Lodge as a non-designated heritage asset; and
- the effect of the proposal on the wider estate including the setting of the Grade II Listed Folly and Ha Ha with footbridge.

Reasons

Character and appearance

5. The appeal site is comprised of the rear garden of The Lodge, a two storey detached dwelling located on the corner of a private road and Boughton Lane. On the opposite side of the private road is existing built form including residential dwellings in a converted oast house. To the east and south of the appeal site is a vacant school site which is comprised of a number of large buildings and associated infrastructure such as parking and secure boundary treatments. Within the school site are two grade II listed structures, the Folly and the Ha-Ha with footbridge which are surrounded by significant vegetation including mature trees. A ragstone wall runs alongside Boughton Lane which separates the appeal site from the road, although there is a small section currently missing. Significant vegetation screens the appeal site from the adjacent school site.
6. The appeal site and The Lodge along with the Folly and the Ha-Ha with footbridge once formed part of the grounds of the wider Boughton Mount estate. The submitted Heritage Appeal Statement (HAS) states that the Victorian manor is presumed to have burnt down sometime before 1934. Following the loss of the manor, it is said that the site was donated to the County Council for the 'education of delicate children', a restriction that was later relaxed to permit wider educational use. The HAS identifies that the school was built on the grounds in the 1970s and was closed in 2010. I am told by both parties that the school site is now allocated in the development plan for residential development of approximately 25 dwellings. Whilst this may form a consideration, I must also consider the proposal based on the current circumstances of the site and its surroundings.
7. The appeal site appears as part of a small sporadic group of development that is spacious in its character and appearance. Whilst the proposed plot may be smaller than others in the vicinity, it would not appear overly constrained or small. The position of the proposed dwelling, set away from the built form of The Lodge and set back from the road, would ensure that the spacious character of the area is retained. Whilst the proposed dwelling would largely fill the width of the plot, this would not be significantly noticeable from public viewpoints along Boughton Lane, due to the retention of the ragstone boundary wall to the front.
8. The proposed access would be located to the side of The Lodge, off the private road. Whilst this would differ to other arrangements nearby, I find that it would protect the front boundary wall along Boughton Lane. It would also be discreetly located, set off a fair distance from the side elevation of The Lodge and alongside the side boundary which adjoins one of the more significant modern school buildings. I do not find, on balance, that the access arrangement would be harmful in this instance.
9. I therefore find that the proposal would add positively to the character of the small sporadic group of existing development in this location. The scale, massing, design and proposed materials would respect the character and appearance of

built form in the locality. Consequently, I find that the proposal would not result in harm to the character and appearance of the area. The proposal would accord with Policies LPRSP15, LPRHOU2 and LPRHOU4 of the Maidstone Borough Council Local Plan Review 2021-2038 Adopted 20 March 2024 (LPR). These policies seek, amongst other things, that developments respond positively to and where possible enhance the local or historic character of an area, that schemes fit unobtrusively in the street scene and that traditional boundary treatments are retained and reinforced.

Non-designated heritage asset – The Lodge

10. The Lodge is identified by both parties as a non-designated heritage asset (NDHA). I agree that the Lodge is an attractive 19th Century dwelling, and its significance is largely derived from its architectural and historic interest. The HAS asserts that rather than a lodge associated with the estate, it would have been a worker's cottage, given the traditional and restrained architectural detailing present and that it was not identified as a lodge on historical mapping.
11. The Council consider that it may have been more significant, perhaps being the head gardener or other similar employee's residence rather than a general worker. I find, based on the evidence that it clearly formed part of the estate historically, providing accommodation for someone closely related to the functioning of the estate. There is evidence that the building has been extended and altered over the years, with several outbuildings also built in the grounds.
12. I witnessed on site that The Lodge and its rear garden have been significantly severed visually, from the adjacent school site and thus the grounds of the original estate, due to the presence of significant vegetation along the boundaries, which appears to have been the case for quite some time. The existing school buildings are substantial and detract from the character and appearance of the area. As a result of the scale, massing and positioning of the school buildings, they also significantly erode the relationship between the appeal site and the wider estate.
13. Whilst the proposal would result in the sub-division of the rear garden, The Lodge would retain a fairly large rear garden. The separation between The Lodge and the built form of the proposed dwelling would ensure that a spacious character and appearance is retained.
14. Whilst the siting of the proposed dwelling would be between The Lodge and the adjacent school site, which formed the wider estate, given the substantial changes to that adjacent site through the provision of modern school buildings and the presence of significant boundary treatments which separate the two, any further erosion of the historical relationship would not be significantly recognisable. Based on the evidence before me, this would be my finding, even if the basement of the original manor is still present beneath the school buildings, given such a feature would not be discernible visually.
15. The ragstone wall along the boundary is identified as an NDHA in the HAS. The Council suggest that this could be considered curtilage listed, although there is very little evidence before me to suggest that this is the case. Nevertheless, I agree that this feature is characteristic of the area and its significance lies in its positioning alongside the road and the use of a traditional local material which make it locally distinctive. The gap in the existing ragstone wall along Boughton Lane would be reinstated as part of the proposal, which would strengthen this local

and historic feature, reinforcing the character and appearance of the area and the wider setting of The Lodge. The Council also note that the repair of the wall would be a benefit of the scheme, a view that I concur with.

16. As such, I do not find that the proposal would result in harm to the significance of The Lodge as an NDHA. The proposal would therefore accord with Policies LPRSP14(B), LPRSP15 and LPRENV1 of the LPR. These policies seek, amongst other things, that heritage assets are conserved and where possible enhanced, that they respond positively to and where possible enhance the historic character of an area and that the tests relating to heritage assets set out in the National Planning Policy Framework (the Framework) are applied appropriately. The Council also refers to LPRHOU2 of the LPR on its decision notice in respect of this matter, but this refers to residential extensions, conversions, annexes and redevelopment within the built-up area and not the historic environment specifically and is therefore not directly relevant to this issue.

Setting of designated heritage assets - Grade II Listed Folly and Ha Ha with footbridge

17. Section 66 (1) of the Planning (Listed Building and Conservation Areas) Act 1990 requires me to pay special regard to the desirability of preserving listed buildings and their setting. The Framework states that the setting of a heritage asset is the surroundings in which a heritage asset is experienced and that its extent is not fixed and may change as the asset and its surroundings evolve.
18. The Folly was listed in 2013 and is identified as having architectural significance as an early 19th Century 'Gothick' style garden building, which was possibly a summer house built of random rubble Kentish ragstone from local quarries, which is substantially intact. The Ha-Ha with footbridge was also listed in 2013 and is identified as being of monumental scale, with it rising to ten feet in height which is unusual for such a structure, and with the additional interest of an Edwardian green sandstone footbridge over the ditch. Together these listed structures are identified as having group value and the historic significance of both is that they are surviving garden features of the Boughton Mount estate, which following the loss of the manor, are some of the only reminders of the history of the site and its connection with John Braddick and George Foster Clark, who were prominent local figures.
19. Based on the evidence before me, I find that the Ha-Ha and footbridge and the Folly form a group which holds significance as being part of the landscaped area that would have provided the immediate setting to the original manor. I find that the setting of these listed features is currently made up of the wider school site and the significant area of mature trees which largely surround them currently.
20. The Council state that the garden area serving The Lodge was originally much smaller but that it was extended, most likely in the 1980s when The Lodge was sold. The Council assert that whilst the extended garden boundary does not harm the significance of The Lodge, it does harm the landscape/former garden of the original estate.
21. However, following the construction of the modern school buildings and the associated infrastructure which sit between the appeal site and the listed garden structures, both the visual connection and the legibility of the previous historical relationship has been significantly eroded. The substantial boundary treatments that surround the appeal site on the sides closest to the school site also demarcate

and provide substantial separation visually. Whilst the Council assert that the boundary treatments could be reduced, given the condition of the neighbouring site and the fact that The Lodge is and has been separated from the wider site for a considerable period of time, I have to consider that this change may not be forthcoming. In my view, the intervening built form and boundary treatments have significantly reduced the role of the appeal site as part of the setting of the listed structures.

22. I am referred to a recent appeal decision at land adjacent to Hayle Place, where an appeal was dismissed for nine dwellings. Whilst I understand that case also related to a site that formed part of a large estate and I have been provided with some information, I do not have the specific details of the site or its surroundings before me. The scale of development proposed in that case was also significantly more than what is before me now. I therefore do not find that the two are directly comparable and it does not alter my consideration of the case before me.
23. The Council suggest that the redevelopment of the school site for housing could be done in a way which is sympathetic to the heritage assets, nevertheless, this would not include the appeal site before me now, which based on the information before me would remain separate from the adjacent site.
24. As a result of the intervening features, and the limited scale of the proposed development, I find that the proposal would not be harmful to the setting of the Grade II listed structures and the setting of them would be preserved. The proposal would therefore accord with Policies LPRSP14(B) and LPRENV1 of the LPR. These policies seek, amongst other things, that heritage assets are conserved and where possible enhanced and that the tests relating to heritage assets set out in the Framework are applied appropriately. The Council also refers to LPRHOU2 of the LPR on its decision notice in respect of this matter, but this refers to residential extensions, conversions, annexes and redevelopment within the built-up area and not the historic environment specifically and is therefore not directly relevant to this issue.

Other Matter

25. Whilst I note the planning history on the site and the previous applications that were refused by the Council, I must consider the scheme before me now on its individual merits.

Conditions and Planning Obligation

26. The Council has suggested a number of conditions in the event that the appeal be allowed. I have considered these in light of the requirements of the Framework and the advice set out in the Planning Practice Guidance.
27. In addition to the standard time limit, a condition setting out the approved plans is necessary to provide certainty. A condition is imposed to require external materials details to ensure an appropriate visual appearance. A condition securing the development as an accessible and adaptable dwelling has been imposed in the interests of the amenity of the development. A condition relating to water usage is imposed in the interests of water efficiency. A condition requiring an ecological enhancement scheme is necessary in the interests of biodiversity.

28. I am content that the submitted UU would secure the scheme as a self-build development which is necessary to comply with the biodiversity objective exemptions. I also find that the UU would be necessary to make the development acceptable, that it is directly related to the development and fairly and reasonably related in scale and kind. I have therefore taken the UU into account in my consideration of the appeal.

Conclusion

29. I have found no conflict with the development plan as a whole, consequently, it follows that permission should be granted. There are no material considerations, including the Framework, that would lead me to a different conclusion. The appeal is therefore allowed subject to conditions.

G Dring

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawing nos: 014.2497-001 Rev P2, 014.2497-003 Rev P4, 014.2497-005-Rev P4, 014.2497-006 Rev P3, 014.2497-008 Rev P3, 014.2497-010 Rev P2, 853db, 853pd.
- 3) No development above ground level, other than the demolition of double garage, store and outbuildings, shall take place until details of the materials to be used in the construction of the external surfaces of the dwelling hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 4) The development hereby approved shall meet the accessible and adaptable dwelling building regulations Part M4(2) standard or any superseding standard. The dwelling shall not be occupied unless this standard has been met and the dwelling shall be thereafter retained as such.
- 5) The development hereby approved shall meet the higher level of water efficiency of 110 litres per person, per day as set out under the building regulations Part G2 or any superseding standard. The building shall not be occupied unless this standard has been met and this standard shall be maintained thereafter.
- 6) The development hereby approved shall not be occupied until details of a scheme for the enhancement of ecology on the site has been submitted to the local planning authority for written approval. The scheme shall consist of the enhancement of ecology within the site by means such as bird boxes, bat boxes, bug hotels, log piles and wildflower planting. The development shall be implemented in accordance with the approved details prior to first occupation and the features shall be retained and maintained thereafter.

END OF SCHEDULE