
Appeal Decision

Site visit made on 27 November 2025

by Jane Smith MA MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 December 2025

Appeal Ref: APP/U2235/W/25/3373010

White House, Stockbury Valley, Stockbury, Kent ME9 7QD

- 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 K Kneller against the decision of Maidstone Borough Council.
 - The application Ref is 25/500731/FULL.
 - The development proposed is Demolition of outbuildings, removal of mobile home and removal of areas of hardstanding. Construction of seven dwellings with landscaping, car parking, garages, woodland and orchard planting and provision of open space. Alterations to vehicle access from A249 Sittingbourne Road. Retention of the White House and detached outbuilding.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A Highways and Transport Appeal Statement¹ (HTAS) was provided with the appeal, in response to the second reason for refusal. The appellant's evidence also draws my attention to recent upgrades to junction 5 of the M2, which have changed the layout of the strategic highway network and South Green Road, from which the appeal site is accessed. Against that background, the HTAS includes a revised plan of the proposed access arrangements, on drawing number 12565/2100 Revision P4 (HTAS Appendix C).
3. Revision P3 of the above drawing was before the Council when the application was determined. Version P4 omits acceleration and deceleration zones that were shown on the previous version, but the position and width of the proposed access would be the same. The presence or otherwise of acceleration and deceleration zones is pertinent to the second reason for refusal and is considered further below. Nevertheless, the amendments on Revision P4 do not amount to a substantial difference or fundamental change to the proposed development. Applying the principles in the Holborn case², the revised drawing can, therefore, be taken into account provided no procedural unfairness would arise as a result.
4. Although the Council has not submitted a statement of case for the appeal, they had the opportunity to do so. They have also had the opportunity to consider the updated evidence in the HTAS, which is clearly signposted in the appellant's statement of case. Interested parties and consultees, including the Highways Authority, were consulted on the appeal, so they have had a similar opportunity to respond. Against that background, I have taken the HTAS, including Revision P4

¹ GTA Civils & Transport Appeal Statement – Highways & Transport, dated July 2025

² Holborn Studios Ltd v The Council of the London Borough of Hackney [2017] EWHC 2823 (Admin)

of the above drawing, into account when considering the appeal and I am satisfied that no prejudice would arise to any party as a result of my having done so.

5. While I have generally referred to the Kent Downs National Landscape (KDNL) where relevant in this decision, I have used its legal designation as an Area of Outstanding Natural Beauty (AONB) where that is the term used in relevant legislation or document titles.

Main Issues

6. There is no dispute that the appeal site is outside any settlement boundary, in an area defined as countryside in Policy LPRSP9 of the Maidstone Borough Council Local Plan Review, adopted 2024 (LPR). However, although the Officer Report describes the location as being unsustainable and contrary to the adopted settlement hierarchy, the reasons for refusal did not go on to articulate any conflict with the Council's spatial strategy.
7. Based on the reasons for refusal, the main contested issues are:
 - the effect of the proposal on the character and appearance of the area, with particular reference to whether it would conserve and enhance the natural beauty of the KDNL, and
 - the effect on highway safety.

Reasons

Character and appearance

8. The appeal site contains a two storey dwelling next to a range of former kennel buildings and runs. There are also various sheds and outbuildings, some with a history of light industrial use, together with a row of mobile homes or chalets backing onto the front boundary. The kennels are disused and dilapidated, as are some of the other buildings and structures, although others appeared still to be in use at the time of my site visit.
9. The existing development forms a substantial cluster near the road, in the lowest part of the site. Also within this area are areas of hardstanding and some outdoor storage, including a pile of scrap metal and various stored/parked vehicles. Beyond that, the land rises and becomes increasingly open. Although there is a chicken run and small stable further up the slope, the presence of built development diminishes markedly, and the rising land is grassed and bounded by hedgerows. Some of the open land is within the appeal site, although it also continues beyond that, into the land edged in blue.
10. The landform also rises on the other side of the A249, towards Stockbury, from where an expansive view is available from public rights of way near the church. The built-up part of the appeal site is visible, although views are filtered by the trees along the front boundary. The A249 is a conspicuous feature and there is some sporadic development along the road corridor, including a dwelling adjacent to the appeal site at Valley View Farm and a small cluster of houses further along South Green Road to the northeast. I also noted some buildings and caravans at the top of the hill, well beyond the appeal site. However, the landscape as a whole is dominated by rolling grassland and woodland.

11. As articulated in the Kent Downs AONB Management Plan (KDMP), the special characteristics of the KDNL include its dramatic landform and views, with the scarp slope and dry valleys being among the key features for which it was originally designated. Notwithstanding the sporadic development, the dramatic landform of the dry valley can be appreciated in views over and beyond the appeal site, particularly from the opposite side of the valley. While the dual carriageway and major road junction have impacted the landscape, both visually and by undermining tranquillity, the rising grassland within and around the appeal site remains characteristic of the dry valleys which are recognised as contributing to the natural beauty of the designated landscape.
12. The buildings which would be removed are of no visual merit and the lower part of the site is cluttered. That has some negative landscape impact. However, the existing buildings are low down, both in terms of their position at the bottom of the valley and their modest, single storey form. Since the areas used for outdoor storage and hardstanding are close to the buildings, they are not widely intrusive. The screening provided by the front boundary trees also limits the degree to which the existing development impacts on the landscape.
13. Although the proposed dwellings would be largely within the previously developed areas of the site, they would be of taller and bulkier built form, including two storey elements with pitched roofs. The substantial detached dwelling on plot 1 and the terraced properties on plots 2, 3 and 4 would also encroach into the rising open land. Taking their siting and scale into account, they would be significantly more intrusive in views across the valley than any of the existing development and would project above the boundary vegetation.
14. There is little indication on the drawings of how the rising land would be handled. However, it appears inevitable that the landform would be disrupted, particularly where buildings would be orientated perpendicular to the slope. The layout would also introduce hard surfacing, parked vehicles and an unpredictable but potentially intrusive level of domestic paraphernalia within each plot. Consequently, despite the relatively generous gardens and the additional areas of soft landscaping, the development would disrupt the uninterrupted character of the rising land beyond the existing buildings.
15. Even if external lighting was controlled by condition, the window openings, which include a large, glazed gable at the front of Plot 1, would introduce sources of artificial light where there are none at present. That would have a limited but adverse impact on the dark skies which are also a characteristic of the KDNL.
16. Each dwelling would have a different design and detailing and they would be finished in materials which are characteristic of the rural area. None of the dwellings would be as elevated as the dwelling at Valley View Farm. Nor is an element of development in depth inherently alien to this rural area, taking account of the established spread of buildings on the appeal site and nearby, including the cluster of dwellings further along South Green Road. The areas of communal green space and orchard planting would also help to integrate the development into its rural surroundings and define its upper limit. Nevertheless, the scale and siting of the dwellings, particularly those on Plots 1-4, would result in a harmful level of encroachment into the rising land, which would erode and disrupt the dry valley landform that contributes to the key characteristics of the KDNL.

17. The proposal is for a relatively modest number of dwellings and does not, in my judgement, amount to major development for purposes of paragraph 190 in the National Planning Policy Framework (the Framework). Nevertheless, the Framework requires that great weight is given to conserving and enhancing landscape and scenic beauty in National Landscapes. That is consistent with the statutory duty on decision makers to seek to further the purpose of conserving and enhancing the natural beauty of an Area of Outstanding Natural Beauty³. While there would be some benefit to natural beauty from removing the existing buildings and structures, that would be outweighed by the adverse effects of the development as outlined above. Overall, therefore, the proposal would neither conserve nor enhance the natural beauty of the KDNL.
18. For the above reasons, I conclude that the proposal would have a harmful effect on the character and appearance of the area. It would, in particular, fail to conserve and enhance the natural beauty of the KDNL. That would conflict with LPR Policies LPRSP9, LPRSP15 and LPRQD4, which require amongst other things that development is designed so as to respond to areas of landscape value, with any impacts on the appearance and character of the landscape being appropriately mitigated, and that great weight should be given to the conservation and enhancement of the National Landscape. In view of the conflict with other policies in the LPR, the proposal does not benefit from the qualified support in Policy LPAHOU1 for development on brownfield land in the countryside.
19. The proposal would also conflict with relevant principles in the KDMP, including Principle SD2 which requires that the local character, qualities and distinctiveness of the National Landscape are conserved and enhanced, and Principle SD7 which requires that new proposals conserve and enhance dark skies. Policy LPRSP9 requires that account is taken of the KDMP and that conflict also weighs against the proposal.
20. There would be some limited conflict with LPR Policy LPRQD2 which includes requirements relevant to the effect of artificial light on the National Landscape. However, that policy relates more specifically to external lighting schemes, which could be controlled by condition, and is less directly relevant to the effect of internal domestic lighting.

Highway safety

21. Currently, the appeal site is accessed via a single vehicle width gate onto South Green Road. The gate is set back well behind open grass verges, enabling visibility along the highway in both directions, although there is some encroachment of vegetation in the south westerly direction.
22. According to evidence from both parties, at the time of the Council's decision the access was directly onto the southbound carriageway of the A249 dual carriageway. That is how it is described in the appellant's transport evidence for the application, which was dated November 2023, and is also reflected in technical advice from the Highways Authority and the Council's Officer Report. However, following the completion of major highway works to upgrade the nearby motorway junction, South Green Road is now fenced off from the dual carriageway and carries two way traffic. Although there is still a 60mph speed limit, the carriageway narrows near the appeal site access to form a pinch point and there is signage

³ s85 Countryside and Rights of Way Act 2000

alerting vehicles that the road becomes single track with passing places. Further to the southwest, the road becomes even narrower, transitioning into a single track rural lane.

23. From my observations on site, it appears that South Green Road now serves primarily local traffic. There were some vehicle movements in both directions at the time of my site visit, but traffic was very light and relatively slow, in sharp contrast with the much heavier flow of fast traffic on the A249. While that is only a snapshot in time, the signage and road layout also indicate that that South Green Road no longer functions as part of the strategic road network.
24. The Highways Authority's advice at the time of the application referred to the site's relationship with the A249, which was described as a heavily trafficked and strategic route. Within that context, the absence of any acceleration or deceleration lanes at the access was identified as presenting a safety risk since vehicles would have to accelerate or decelerate sharply within a live lane of fast-flowing traffic. New acceleration and deceleration lanes were detailed on application drawing no. 12565/2100 Rev P3, which is listed on the decision notice. Nevertheless, drawing on the Highways Authority's advice, the Council concluded that the proposed residential use of the access would be prejudicial to highway safety.
25. In response to the current road conditions, the revised plan in the HTAS proposes a simple priority access, without acceleration or deceleration lanes. Its position would be unchanged, but it would be widened to 5m. That would accommodate simultaneous vehicle movements in and out of the site, reducing the risk of vehicles having to stop on the carriageway, although they would still have to slow down before turning in. The Highways Authority has not specified the required radii at the access or visibility splays, having not provided any updated evidence following the changes to the road layout. However, from my own observation when entering and leaving the site, the wide grass verges appeared to provide adequate visibility of oncoming traffic in both directions. Had I been minded to allow the appeal, a condition could have been imposed to allow the Council, in consultation with the Highways Authority, to approve the detailed layout of the access and secure visibility splays free of encroaching vegetation.
26. I have had little regard to the Crash Map records in the appellant's evidence, since they pre-date the recent changes to the road layout. Equally, there is no evidence before me indicating any pattern of road traffic accidents on the modified road layout. The site has a history of use as a kennels, along with residential and light industrial uses. The kennels are disused, but some other buildings are not, and the traffic-generating potential of the existing and established uses has a bearing on the likely net increase in traffic. While the Highways Authority referred to even a modest increase as being unacceptable, that was in the context of direct access to and from the A249. Furthermore, their response does not appear to take any account of the proposed improvements to the access.
27. Based on the evidence before me, it appears that the widened access could accommodate the likely level of residential traffic without any evidenced highway safety issues. However, conditions would be required to secure its layout, including appropriate visibility splays, at an early stage.

28. Based on the evidence before me, I conclude that there would be no harmful effect on highway safety, subject to suitable conditions. There would be no conflict with relevant requirements in LPR Policies LPRSP15 and LPRTRA2, which include that vehicle movements generated by the development can be safely accommodated and that any required mitigation measures can be implemented at an appropriate stage. Nor would the proposal conflict with relevant paragraphs in the Framework, which include a requirement for mitigation of any significant impacts, while stating that development should only be prevented or refused on highways grounds if there would, amongst other things, be an unacceptable impact on highway safety.

Other Matters

29. The proposal would deliver some benefits, notably in terms of its contribution to boosting the supply of housing. It would bring forward seven new homes on a relatively small site, which it is likely could be built out quickly. There is no dispute that the site includes previously developed land, and the proposal would bring land which is currently under-utilised back into use. These are positive factors which are supported in the Framework.
30. The Framework is supportive in principle of some housing in rural areas, and the reasons for refusal did not allege that the dwellings would be isolated or that the location was otherwise unsuitable in principle for housing. A development of family homes was described as appropriate to the rural location in pre-application advice quoted in the Officer Report and no conflict has been alleged with LPR Policy LPRSP10(A) which relates to housing mix.
31. The soft landscaping would include native planting, and other ecological enhancements could be secured. According to the ecological evidence, biodiversity net gain is achievable to meet both the statutory minimum, and the higher threshold required by LPR Policy LPRSP14(A). No harm is alleged to protected species, subject to appropriate construction management and control over external lighting. Taking into account the statutory BNG regime and the requirements in the development plan, the ecological benefits are relatively routine. Nevertheless, they attract some positive weight.
32. Energy efficient dwellings are proposed, with the detailed measures to be secured by condition. However, there is no clear indication that those measures would go beyond current requirements in the Building Regulations. No harm is alleged to the living conditions of existing or future residents, including in relation to road noise and air quality. Nor is any harm alleged in relation to contamination, flood risk, drainage or the effect on existing trees or heritage assets. However, these are neutral factors, weighing neither for nor against the development.
33. While the appellant describes the Council's housing land supply as marginal, there is no dispute that it slightly exceeds five years, based on the published housing land supply evidence provided with this appeal. No shortfall in housing delivery is identified in the evidence. Therefore, the provisions of paragraph 11d in the Framework are not applicable. While there are some benefits arising from the development, they are individually relatively modest. Even if considered collectively, the advantages of the development would not overcome the great weight which should be attached to conserving and enhancing the landscape and scenic beauty of the KDNL, as set out in paragraph 189 of the Framework.

Conclusion

34. While I have concluded that there would be no evidenced harm to highway safety, the proposed development would not conserve the natural beauty of the KDNL and would therefore conflict with the development plan as a whole. The other material considerations do not outweigh that conflict and therefore the appeal should be dismissed.

Jane Smith

INSPECTOR