
Appeal Decision

Site visit made on 3 December 2025

by **A Knight BA PG Dip MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 11 December 2025

Appeal Ref: APP/U2235/W/25/3373695

Land at Glenrafon, Marley Road, Harrietsham, Maidstone, Kent ME17 1AU

- 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 C Dixon against the decision of Maidstone Borough Council.
 - The application Ref is 25/502931/FULL.
 - The development proposed is a four bed house.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the area, including the Kent Downs National Landscape (the NL, formerly Area of Outstanding Natural Beauty, the AONB).

Reasons

3. The appeal site is alongside the property 'Glenrafon'. It is mainly laid to lawn and has its own access from Marley Road. The site is in the NL. Section 85 of the Countryside and Rights of Way Act 2000 (as amended) requires relevant authorities in exercising or performing any functions in relation to, or so as to affect, land in an NL to seek to further the purpose of conserving and enhancing the natural beauty of the NL.
4. The National Planning Policy Framework (the Framework) states that great weight should be given to conserving and enhancing landscape and scenic beauty in National Landscapes which have the highest status of protection in relation to these issues.
5. The site is outside the nearest settlement boundary and so is subject to Policy LPRSP9 of the Maidstone Local Plan Review (2024) (the Local Plan). This states that great weight should be given to the conservation and enhancement of the NL. As such, the policy adheres to the Framework.
6. Policy LPRSP9 also states that account should be taken of the Kent Downs Area of Outstanding Natural Beauty Management Plan. This requirement is repeated in Policy LPRSP15, which addresses general design principles. This is consistent with the Planning Practice Guidance (PPG), which sets out the relevance of management plans for NLs when assessing planning applications; Whilst these do not form part of the development plan, they help to set out the strategic context for

development and provide evidence of the value and special qualities of these areas.

7. The Kent Downs Area of Outstanding Natural Beauty Management Plan (2021-2026) (the Management Plan) is therefore a material consideration. It sets out the special components, characteristics and qualities of the NL as including “Dramatic landform and views; a distinctive landscape character” and “Tranquillity and remoteness”.
8. The appeal site is at the north-easternmost corner of Harrietsham, a village found beyond the outermost reaches of Maidstone, the nearest large town. It is apparent in visiting the site that one is at the edge of the settlement and heading away from development rather than towards it; The wider landscape setting is visible through large gaps between existing dwellings on Marley Road. These frame views of undeveloped land beyond to the north, leading to woodland and then culminating in a scarp ridgeline in the middle distance. These landscape features, in combination with the narrow, enclosed, unlit nature of the road, characterise the area as being a point where development thins out and gives way to the open countryside.
9. At the time of my visit the front boundary had been partly fenced, and what appeared to be a mobile home was on the site. Neither element is shown on the submitted plans and, as such, their status is unclear. In any event, the appeal site adheres and contributes strongly to the local characteristics described above; The site maintains an undeveloped gap between dwellings and allows views northwards over open land to trees and the rising land beyond. It is visibly part of the beginning of the countryside. It displays some of the special components, characteristics and qualities of the NL set out in the Management Plan in that it includes a view over part of the NL to a dramatic landform beyond and is part of where the suburban element of Harrietsham ends, and the tranquillity and remoteness beyond begins.
10. The development proposed is a detached dwelling, along with a hardsurfaced forecourt for parking and turning. Whilst the dwelling would be relatively modest in scale and appearance, the development overall would nevertheless result in a significant change to the character and appearance of the site. It would directly undermine the existing pattern of development by occupying the centre of the gap between Glenrafon and Westmount, would erode the open character of the site by introducing development to land which is largely undeveloped, and would impinge on views northwards, reducing the prominence of that view as the backdrop to the area.
11. Whilst mature greenery interrupts direct views into the site from certain angles, the site can still be seen from the public highway at its entrance on Marley Road. Even if that were not the case, the site is part of the NL, rather than simply a place which either can or cannot be seen from features such as the Pilgrims Way or North Downs, and the relationship of the site to the wider landscape can be appreciated from within the site itself. The presence of the proposed development would be apparent from within the site as well as from outside it. I attach little weight, therefore, to the screening effect of greenery.
12. I appreciate that there is already residential development along the northern side of Marley Road, but I have been given little reason to believe that it has been

approved since the area became part of the NL. Whatever policies may have been in place at the time neighbouring development was approved, I must apply the policies which are in force at this time to the proposal before me. I am informed that some of these houses have received permission for domestic additions but have been provided with little reason to believe that any of those permissions had an effect which was comparable to that of the appeal proposal. For these reasons, the presence of existing development on the northern side of Marley Road weighs only modestly in support of the appeal scheme.

13. The appellant views the appeal site as an undeveloped plot, the only one on the northern side of Marley Road. This, however, appears based more on the land being available to them than its inherent characteristics or the local context; The site is part of Glenrafon, which itself is one of a small number of dwellings with wide plots on the northern side of the road set out in a reasonably consistent pattern, rather than an independent plot divorced from that pattern. It is not evidently a vacant plot, therefore, and does not appear as one in the street.
14. Whilst the gaps to the nearest house on either side of the proposed dwelling would, at some 30m and 20m, be notable, they would be significantly less than the gaps which are typical around the site as shown in the Council delegated report, and at odds with the pattern of development I have described above.
15. The appellant has drawn my attention to other developments nearby and, in more than one instance, questioned why they are acceptable when his scheme is not. That is not something I can offer guidance on. If the appellant feels any or all of these other developments support his appeal, then it is for him to set out why. Unless it is provided to me in the evidence, I cannot know, for instance, how those sites were designated in the Local Plan at the time they were approved for development; what, if any, development was on the land before; what has been approved, and whether it would have the same effects on the character and appearance of the area as the appeal scheme.
16. Based on the minimal evidence before me, I have no reason to believe that a house built on the far side of Glenrafon was approved recently against the same or similar policies now in effect. I have no evidence to show whether, as the appellant speculates, a large factory development on Dickley Lane is being replaced by housing. If it is, then even on the minimal information before me, the circumstances at that site are plainly entirely different to those at the appeal site.
17. A photograph of a housing development visible from somewhere along the Pilgrims Way has been supplied; I am informed that a chalet bungalow has been built and approved near the appeal site, and that three dwellings have been approved near the local church; I note the small cul-de-sac at Russet Gardens. In none of these cases, however, has it been shown to me that the circumstances are comparable to those before me, and so I cannot know whether the decision to allow any of those developments should carry weight in favour of the appeal.
18. Overall, taking all of the above into account, the proposed development would harm the character and appearance of the area, including the Kent Downs National Landscape. It would be contrary to Policies LPRSP9, LPRSP15, and LPRQD4 of the Local Plan where they require great weight to be given to the conservation and enhancement of the NL, that development maintain or enhance local distinctiveness including landscape features, and take account of the

Management Plan. The proposal does not conserve or enhance landscape and scenic beauty in the NL, and does not further the purposes of conserving and enhancing the natural beauty of the NL. This provides a strong reason for refusing the scheme, given the content of the Framework as set out above.

Other Matters

19. I recognise that the appellant is willing to amend the scheme to the Council's satisfaction. Whether there is scope for that is a matter between the main parties to consider outside of this appeal; I must reach my determination based on the proposal before me.
20. My attention has been drawn to the current make-up of the Parish Council, the need for plans to be amended to show a right of way, and pre-application discussions between the appellant and the Council as to what types of development may be more likely to obtain permission at the appeal site. In the latter case, I have no evidence that some other form of development would occur if the appeal scheme did not proceed. Overall, these are not matters that are relevant to my determination.

Planning Balance

21. Whilst the Council can only demonstrate a 4.5 year supply of deliverable housing sites, I have found the failure of the appeal scheme to conserve and enhance the NL to provide a strong reason to refuse it. As such, paragraph 11d of the Framework is not engaged.
22. Notwithstanding the above, the benefits of the scheme are material in my determination. The proposal would yield a net gain of one new self-build house, assisting the Government's aim of significantly boosting supply and improving the current shortfall in the district. The benefits of housing delivery carry significant weight, but are tempered by the modest scale of the scheme. There would be temporary economic benefits associated with the construction phase. Thereafter, there would be ongoing local economic benefits relating to the occupation of the site, and local facilities would benefit from increased demand. Nevertheless, given the relatively modest scale of the proposal and the small number of new residents brought about, these benefits would be minor.
23. Overall, the benefits from the appeal proposal would be greatly outweighed by the harm caused to the character and appearance of the area, including to the NL.

Conclusion

24. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it.
25. The appeal is dismissed.

A Knight

INSPECTOR