



Appeal Decision

Site visit made on 17 March 2026

by A Wright BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 March 2026

Appeal Ref: APP/U2235/W/25/3375683

Land rear of the Taj of Kent, Church Green, Marden, Kent

- 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 N Latter of Bridgemore Land and Developments Ltd against the decision of Maidstone Borough Council.
 - The application Ref is 25/500993/FULL.
 - The development proposed is described as 'proposed residential development of 4no. dwellings on land r/o Taj of Kent'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The address of the appeal site given on the application form is 'The Taj of Kent, Church Green, Marden, Kent TN12 9HS'. The appeal form indicates the address as 'Land to the rear of the Taj of Kent, Marden, Kent'. The Council cites the address as 'Land rear of the Taj of Kent, Church Green, Marden, Kent' which I have used in the banner above as this is a more accurate description of the address.
3. The second reason for refusal relates to the impacts on the living conditions for future occupants of noise and vibration from the railway line and noise from the abattoir. The appellant submitted a Noise Impact Assessment (NIA) with the appeal documents and the Council has confirmed that this addresses the issue of noise but not vibration.

Main Issues

4. The main issues in this appeal are whether the proposal would:
 - preserve or enhance the character or appearance of the Marden Conservation Area and the significance of the 1 and 2 Church Green Cottages grade II listed building; and
 - provide acceptable living conditions for future occupiers, with particular regard to vibration.

Reasons

Effect on heritage assets

5. The appeal site comprises cleared land and some hardstanding with an access onto Church Green, forming part of a site which has planning permission for four

dwellings¹. It lies behind commercial and residential properties fronting the roads, including the grade II listed Church Green Cottages on Pattenden Lane, and is within the Marden Conservation Area (CA). The CA and listed building are designated heritage assets. There is an abattoir building to the east with a raised railway line to the north. The proposal is for four houses which would replace and be in a different position to two of the houses in the previously approved scheme.

6. The CA comprises the character areas of High Street, Church Green and Pattenden Lane which follow a linear development pattern. The Marden CA Appraisal and Management Plan 2023 (CAAMP) states that Pattenden Lane has a varied built form, with a mix of detached and terraced properties of traditional vernacular materials including brick built and weatherboarded properties dating from between the 18th-20th century. Although structures to the rear are visible, these are of a relatively modest scale with the buildings fronting the road remaining dominant. The hardstanding and cleared land to the rear of the site do not positively contribute to the setting and significance of the CA. Nevertheless, the CAAMP indicates that proposals should take into consideration the scale and design of the existing historic buildings in the area, amongst other things.
7. The grade II listed 1 and 2 Church Green Cottages lie close to the appeal site, facing Pattenden Lane. The significance of this building, in so far as it relates to this appeal, is derived from its architectural interest as a timber framed late 16th or early 17th century two storey house with later additions. Its features include brick ground floor walls some of which are painted, upper floor weatherboarding, and a half hipped tiled roof including a front catslide roof with a traditional dormer.
8. The National Planning Policy Framework (the Framework) defines the setting of a heritage asset as the surroundings in which it is experienced. Church Green Cottages is experienced as a traditional building fronting the road with a largely open and undeveloped backdrop. The white largely weatherboarded and half hipped gable of the listed building is particularly evident in the large gap between it and the two-storey semi-detached dwelling at 2 Coronation Villas.
9. The proposed development would comprise two pairs of semi-detached homes over two levels finished in similar materials to those approved pursuant to the previously approved scheme. Whilst incorporating half dormers and a catslide roof with a side dormer, with a ridge height of around 7.5m and the main eaves being around 4.3m high, the proposed dwellings would be significantly higher than the approved dwellings and sit above Church Green Cottages. Due to their siting close together, double frontages and height, the proposed buildings would be of substantial mass and scale, failing to appear subservient to the roadside buildings in the CA and harming the setting of Church Green Cottages. Whilst some distance from the listed building and other roadside properties, the new dwellings would be visible from Pattenden Road in the gap between the buildings.
10. The proposed structures would be perpendicular to the two remaining dwellings in the previously approved development with the vehicular access wrapping round the latter. This would create a suburban, cul-de-sac layout, failing to reflect the linear pattern of development in the CA. Further, whilst the railway embankment would help to visually contain the scheme, the size of the dwellings along with the

¹ Planning application ref: 23/504966 'the previously approved scheme/development'

large areas of hardstanding for the manoeuvring and parking of vehicles with little space for front landscaping would harmfully urbanise this backland site.

11. For these reasons, the proposal would not preserve the character or appearance of the CA or the significance, in terms of the setting, of the listed building. Given the backland location of the proposed development within the CA and the relative position of the existing and proposed buildings, this would be at the lower end of less than substantial harm. In such circumstances, Policy LPRENV1 of the Council's Local Plan Review 2024 (LPR) states that the relevant tests and assessments in the Framework will be applied.
12. The Framework states that less than substantial harm to the significance of a designated heritage asset should be weighed against the public benefits of the proposed development. There would be public benefits from the provision of four dwellings on an underutilised site within walking distance of services and a train station in the rural service centre of Marden. There would also be a contribution to the local economy during construction and once occupied when future residents would support local services. Further, the provision of biodiversity net gain off-site would be a benefit of the scheme. However, the public benefits would not outweigh the great weight to be given to the harm to the CA and setting of the listed building caused by the proposed development. Thus, the proposed scheme would be contrary to LPR Policy LPRENV1 and the Framework.
13. Consequently, I conclude that the proposal would not preserve or enhance the character or appearance of the Marden CA. It would also fail to preserve the significance of the listed Church Green Cottages, given the harm that would be caused to its setting. This would be contrary to Policies LPRSP6, LPRSP14(B), LPRSP15 and LPRENV1 of the LPR and Policy BE1 of the Marden Neighbourhood Plan 2017-2031 (made 2020) (NP). Together, these require proposals to conserve and enhance the historic environment appropriate to its significance, including protecting the setting of designated heritage assets, amongst other things.
14. Policy LPRSP14(A) of the LPR and Policy NE3 of the NP relate to the natural environment and landscape. However, these do not directly link to the harm identified and therefore I find no specific conflict with these policies when reaching my conclusion.

Living conditions

15. Dense vegetation separates the site from a railway line on an elevated soft earth bank to the north. The rear of the proposed houses would face the railway embankment with the garden areas abutting it.
16. The NIA includes the results of a noise level survey carried out on the site in February 2025. It notes that passing trains did not cause any discernible vibration underfoot at all when passing the site, which is a good indication that vibration is not an issue that needs to be assessed any further for the proposed dwellings.
17. However, the Council's Environmental Protection Team state that standing by a railway line is not usually considered sufficient to accurately assess the vibration impact of passing trains on a nearby building. It is outlined that while this can provide a basic indication of the vibration intensity, it fails to account for the complex interaction between the ground, building structure and interior space.

18. Given the proximity of the proposed properties to the railway line and the expert view of the Council's Environmental Protection Team, I cannot be certain that future occupants of the proposed properties would not experience undue vibration from passing trains.
19. Therefore, I conclude that there has been a failure to demonstrate that the proposal would provide acceptable living conditions for future occupiers, with particular regard to vibration. This would be contrary to Policy LPRSP15 of the LPR and Policy BE2 of the NP where they require proposals to provide adequate residential amenities for future occupiers by ensuring that they do not result in excessive vibration.

Other Matters

20. The Council did not find harm or development plan conflict in relation to several other matters, including the principle of development, flood risk, access and parking, trees, air quality, protected species, contamination, lighting and archaeology. Nevertheless, even if I were to agree with the Council on these points, the absence of harm is a neutral matter which does not carry weight in favour of the scheme.

Planning Balance and Conclusion

21. Paragraph 11(d) of the Framework is engaged as the Council can only demonstrate a housing land supply of 4.5 years against the required five years. In such circumstances, this states that development should be approved unless the application of policies in the Framework that protect areas of particular importance provides a strong reason for refusing the development. In this appeal, the application of the Framework's designated heritage asset policies provides a strong reason to refuse the development. The proposal would also conflict with Policies LPRSP6, LPRSP14(B), LPRSP15 and LPRENV1 of the LPR and Policies BE1 and BE2 of the NP.
22. Consequently, the proposal conflicts with the development plan and the material considerations, including the Framework, do not indicate that the appeal should be decided other than in accordance with it. Therefore, the appeal should be dismissed.

A Wright

INSPECTOR