
Appeal Decision

Site visit made on 17 June 2026

by **Andrew Owen MA BA(Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 05 August 2026

Appeal Ref: APP/U2235/W/25/3364165

Minton House, High Street, Staplehurst, Kent TN12 0AS

- 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 Caroline Letchford against the decision of Maidstone Borough Council.
 - The application Ref is 24/503424/FULL.
 - The development proposed is a three bedroom accessible dwelling to the rear of Minton House with access to Chapel Lane.
 - This decision supersedes that issued on 30 September 2025. That decision on the appeal was quashed by order of the High Court.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The development would involve the removal of a section of a brick boundary wall. The Council have confirmed this wall is not listed or curtilage listed and I have no reason to consider otherwise. Nonetheless, as the site is within the setting of a listed building and the proposal is in a conservation area, I have had special regard to sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).

Main Issues

3. The main issues are:
 - i. whether the Biodiversity Net Gain (BNG) objective could be met; and
 - ii. the effect of the proposal on the character and appearance of the area having regard to the special regard that should be paid to the desirability of preserving the setting of the nearby Grade II listed Minton House and the extent to which the development would preserve or enhance the character or appearance of the Staplehurst Conservation Area.

Reasons

Biodiversity

4. It is understood that the intention is for the development to cater for an elderly relative of the appellant and would be self-build. However, there is no mechanism before me to secure this. As such, I cannot consider the proposal on this basis and instead must consider it as an unrestricted, market dwelling.
5. As a result, the development would be required to provide the statutory BNG of 10% set out in Schedule 7A of the Town and Country Planning Act 1990, in

addition to a further 10% required by policy LPRSP14(A) of the Maidstone Local Plan Review (2024) ('MLPR') leading to a total BNG of 20%.

6. The appellant has provided a Biodiversity Gain Plan, based on a completed BNG Metric, plans showing the baseline and post-development biodiversity on the site, and a Habitat Monitoring and Management Plan (HMMP). These meet the required minimum information such that, were the development only subject to the statutory BNG requirement, a permission could be granted with the deemed biodiversity condition, requiring the submission of a biodiversity gain plan.
7. However, the Council's policy goes beyond that statutory requirement. The government's Small Sites Metric (Statutory Biodiversity Metric) User Guide, advises that BNG in private gardens cannot be secured. The appellant's HMMP refers to measures, which would include a green roof and additional trees and which would result in a BNG in excess of 20%, being secured by a conservation covenant. Whilst that may provide that legal security, I have no details of such a covenant before me. As a result, there is no legal mechanism to demonstrate that the policy requirement for BNG would be secured.
8. As such, the User Guide advises that post development habitat of private gardens should only be recorded as vegetated or unvegetated garden. The Council advise that, if this approach is applied, the development would result in a biodiversity loss of 61%. As the site is currently wholly a garden, and the proposal would result in a substantial part of this being occupied by built form, I have no reason to disagree with this figure.
9. I understand that the whole development has been designed to maximise the retention of ecological features and that the future occupier is an avid gardener and nature lover. Nonetheless the government advice is a matter of substantial weight.
10. As there is no mechanism before me to secure the BNG required by policy LPRSP14(A), the proposal would not meet the BNG objective and so would fail to accord with this policy.

Character and appearance

11. The appeal site comprises a rear corner of the garden at Minton House. There are a number of trees and shrubs along the north and east edges, but the central part is a lawn and is slightly raised. The northern boundary comprises a brick wall which faces Chapel Lane. The wider area is largely residential aside from a few shops and commercial businesses along the High Street. This pattern of development in this part of the village is mainly linear and at the end of Chapel Lane the built form gives way to open fields.
12. The site is within the Staplehurst Conservation Area (SCA). The SCA encompasses the historic core of the village, mainly strung out along the High Street, plus a large area of parkland to the southeast. It also includes the buildings along the north side of Chapel Lane. Its significance is informed by the collection of historic buildings dating from various periods and prominently sited along the High Street.
13. The development would front onto Chapel Lane, and it is within that context that the dwelling would primarily be seen. There are a mix of buildings here. The church on the corner is a primary feature, as is the former Coach Works building opposite the

appeal site. The brick boundary wall of the appeal property is also a distinctive and positive feature in the street scene. These provide a Victorian influence, as referred to by the Council. However, mixed amongst this are a number of more modern houses of various designs and construction materials both within and beyond the SCA.

14. The proposed dwelling would use buff coloured bricks and grey vertical cladding. The Council suggests buff bricks were traditionally only used on important buildings, but refer only to Vine House on High Street. This is indeed a striking building. But I do not consider the use of similar coloured bricks on a single smaller building visually separate from Vine House would harmfully dilute this characteristic. Indeed, buff bricks are used elsewhere in the wider area, including in the detailing at the Coach Works opposite the site. The Coach Works building also uses sections of dark coloured vertical timber cladding, and the proposed timber cladding to be used on the dwelling would reflect that. The dwelling would also use slate tiles with a green roof at the rear. Slate can be found on the roofs at the back of the church, and on properties around the High Street/Chapel Lane junction. Overall, the materials to be used would result in the dwelling appearing in keeping with the eclectic mix of materials in use in Chapel Lane and the wider SCA already.
15. The dwelling would have an undeniably modern appearance. However, there is already clearly a contrast between the more recent houses on Chapel Lane, such as those neighbouring the site to the east or the pair to the west of the Coach Works, and the older properties. The proposal would represent a similar contrast, representing the evolution of built form along this road. Furthermore, in contrast to many of the properties along Chapel Lane, the proposed house would be set back from the highway. It would be behind the boundary wall and the retained vegetation which would assist in screening and softening the visual prominence of the dwelling in the street scene.
16. The proposal would necessitate the removal of one section of the existing boundary wall in order to provide access to the property. However, about seven or eight sections would be retained. It therefore would continue to be a positive feature in the street scene and the wider SCA.
17. The plans identify a number of tall and mature trees along the north and east boundaries. These are within the appeal site and so would be within the SCA. They are prominent in views along Chapel Lane and so provide a valuable vegetative quality to the character and appearance of the SCA.
18. The house would be set apart from them such that their root systems would most likely not be harmed, and further details of root protection during construction could be provided and secured by a condition. Nonetheless, their canopies would overhang the side garden of the proposed property and be close to the windows in the side elevation of the house. The two ground floor bedrooms would be served by two glazed doors facing these trees. These would be their only source of light. However, due to their distance from the trees and the fact that the trees are spaced out a little, I consider that there would be a good degree of light received by these bedrooms. The kitchen/diner and the first floor bedroom would also both have windows facing these trees. But these rooms are served by larger openings on the rear, south facing, elevation of the dwelling. Overall, the light received in the dwelling would be sufficient that there would be no pressure to remove these trees.

19. Minton House is a Grade II listed, detached, 19th century building built in a Palladian style. Its significance lies in its historic and architectural quality as an prominent and attractive building in the High Street. Its setting is informed by its position amongst the other historic buildings along High Street and, partly, its large rear garden which separates it from the more modern housing behind on Chapel Lane.
20. Although positioned in the rear garden of Minton House, the development would primarily be behind the adjoining dwelling at The Manse and behind the church, due to the dog-leg shape of the existing garden. There would be views between the development and the listed building, but there would be a significant distance in between. Indeed, the retained rear garden at Minton House would continue to act as a buffer between the listed building and more modern development, including the appeal proposal, behind. As such, the setting of the listed building would not be harmed, and therefore its significance would be preserved. My view is supported by the Council who raised no objection to the impact of the proposal on the setting of the listed building.
21. In summary, the design and materials to be used would render the proposal in keeping with the street scene and the development would not be likely to lead to future pressure on valuable trees. The character and appearance of the SCA would therefore be preserved. Likewise, despite the loss of a limited section of the boundary wall, the character and appearance of the SCA would be preserved. The development would also preserve the setting of the listed building.
22. It would therefore accord with MLPR policies LPRHOU4, LPRHOU5 and LPRSP15, plus Staplehurst Neighbourhood Plan (2020) ('SNP') policy H1, which together aim to ensure that development fits unobtrusively within the distinctive character of the street scene, in particular, having regard to materials and using vernacular materials where appropriate. It would also accord with MLPR policies LPRSP6, LPRSP14(B) and LPRENV1, and SNP policy PW4, which together seek to ensure that the significance of heritage assets is conserved, and policy LPRSP14(A) which says that positive landscape features, such as trees with significant amenity value, should be protected. The proposal would also satisfy the requirements of sections 66(1) and 72(1) of the Act.

Other Matters

23. The Council suggest that they have 4.5 years supply of housing land. This is a modest shortfall against the required 5 years supply. Nevertheless, in such circumstances, paragraph 11 d) of the National Planning Policy Framework (the 'Framework') is applicable. Part d) i. states that planning permission should be granted unless the application of policies that protect assets of particular importance, such as designated heritage assets, provide a strong reason for refusing the development. As set out above, in this case, the policies relating to heritage assets do not suggest the development should be refused. Part d) ii. adds that planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. Particular regard should be had to policies relating to development in sustainable locations, making effective use of land, design and the provision of affordable homes.

24. The site is close to the services and facilities in Staplehurst, would make a more efficient use of the site and, as set out above, would be of an acceptable design. These all weigh in favour of the proposal. There is no need for the scheme to provide affordable housing.
25. In addition, the development itself would provide some, albeit modest economic benefit during its construction. There would be a significant social benefit for the appellant and her family insofar as it would provide accessible accommodation for her elderly mother allowing her to remain near to the rest of the family. However, planning is primarily concerned with land use in the public interest, so this carries little weight.
26. Paragraph 193 of the Framework advises that planning permission should be refused if significant harm to biodiversity cannot be mitigated or compensated for. In the absence of a mechanism to legally secure the necessary BNG I give considerable weight to the conflict with this policy.
27. Overall, it is considered the adverse environmental impacts resulting from the proposal would significantly and demonstrably outweigh the benefits when considered against the policies of the Framework as a whole. The presumption in favour of sustainable development does therefore not apply.

Conclusion

28. Although the proposal would not harm the character and appearance of the area and would preserve the significance of the heritage assets, I could not be assured that it would not harm biodiversity. It therefore would conflict with the development plan taken as a whole and there are no other considerations, including the provisions of the Framework, that indicate a decision other than in accordance with the development plan. Therefore, the appeal is dismissed.

Andrew Owen

INSPECTOR