



Planning Inspectorate

Appeal Decision

Hearing held on 30 September 2025

Site visit made on 30 September 2025

by G Pannell BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th December 2025

Appeal Ref: APP/V2255/W/25/3365131

Land at Sandbanks Lane and Seasalter Road, Graveney, Kent, ME13 9DU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Skylark Kent LLP against the decision of Swale Borough Council.
 - The application Ref is 23/504264/OUT.
 - The development proposed is a residential development of up to 27 dwellings, including market, self and custom build and affordable dwellings, public open space, school playing fields and associated infrastructure.
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Decision

1. The appeal is allowed and outline planning permission is granted for residential development of up to 27 dwellings, including market, self and custom build and affordable dwellings, public open space, school playing fields and associated infrastructure at Land at Sandbanks Lane and Seasalter Road, Graveney, ME13 9DU in accordance with the terms of the application, Ref 23/504264/OUT, and the plans submitted with it subject to the conditions in the attached schedule.

Preliminary Matters

2. I am also the appointed Inspector for APP/V2255/W/25/3367559, Land west of Head Hill Road, Graveney which was considered at the same hearing and is subject to a separate decision.
3. The original application was made in outline with means of access to be considered and I have therefore dealt with the appeal on this basis and considered any other details as being for illustrative purposes only.

Main Issues

4. The parties have agreed that reasons for refusal 3, 4 and 5 relating to surface water drainage, emissions damage and the necessary infrastructure requirements to be secured by S106 legal obligation have all been resolved through the submission of additional evidence as part of the appeal.
5. Therefore, the main issues in this appeal are:
 - whether the site represents an appropriate location for the proposed development with regard to access to services and the spatial strategy;
 - the effect of the development on the character and appearance of the area; and
 - the effect of the development on designated heritage assets.

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Reasons*Spatial Strategy*

6. Policy ST1 of Bearing Fruits 2031: The Swale Borough Local Plan 2017 (LP) requires sustainable development to achieve good design through reflecting the best of an area's defining characteristics.
7. Policy ST3 sets out the Swale settlement strategy and for developments in the Countryside sets out that they will be supported where they are able to demonstrate that it would contribute to protecting and where appropriate enhancing the intrinsic value, landscape setting, tranquillity and beauty of the countryside, its buildings and the vitality of rural communities.
8. The site lies outside of the defined settlement boundary for Graveney and therefore the proposed development is required to demonstrate that there would be no harm to the sites rural landscape setting.
9. These policies are intended to ensure housing is located in areas which are accessible and sustainable. However, these policies do not prevent the development of land outside of settlement boundaries provided that the landscape character and appearance of the rural area is protected or enhanced.

Access to services and facilities

10. Graveney is a small settlement with some limited facilities and services which are unlikely to be capable of sustaining the everyday needs for the future occupiers of the development. There is a footpath, with some sporadic street lighting, along part of Seasalter Road and this would enable pedestrians to access the small range of services within Graveney such as the public house and school. Despite these facilities I consider that occupiers of the proposed development would inevitably have to travel onwards to the services and facilities within the nearby towns of Faversham or Whitstable to access shopping, healthcare, leisure and entertainment facilities.
11. A bus stop is present along Seasalter Road which according to the evidence before me has eight bus services to Faversham Station on weekdays and six on a Saturday, with no evening service. Whilst this would be an available alternative to the private car, given the frequency of the bus service and the lack of service in the evening, it therefore this leads to uncertainty that it would be a realistic substitute to the convenience of a private car.
12. Therefore, I consider that the site has limited access to services, facilities and amenities and having regard to the lack of a regular bus service means occupiers are likely to prefer the convenience of a private car.
13. It is for these reasons that Graveney is identified as being within the lowest tier of Swale's settlement strategy where the primary objective is to protect it from isolated and/or large scales of development. Furthermore, policy CP2 of the LP sets out that proposals for new development must be sustainable in terms of transport and accessibility and should promote access to sustainable modes of transport.
14. Paragraph 83 of the National Planning Policy Framework (the Framework) promotes sustainable development in rural areas, through locating housing where

it will enhance or maintain the vitality of rural communities. It recognises that groups of smaller settlements may support services in a village nearby. However, in this instance there are limited services, if any in neighbouring villages and any travel would be to the larger nearby towns.

15. The proposal is therefore in conflict with policy CP2 of the Local Plan. In addition to the conflict with the development plan, there would be minor negative environmental and social effects arising from the location in terms of the use of natural resources and the accessibility of local services. This is an adverse matter to which I afford moderate weight.

Character and appearance

16. Policy DM24 sets out that in non-designated landscapes, such as the appeal sites, planning permission will be granted subject to minimisation and mitigation of adverse impacts. The Council have set out within their officer report that the proposal would have a moderate level of harm on the localised landscape and the parties agreed that where development is likely to lead to some adverse impact on the landscape, if this can be mitigated then it would accord with the policy.
17. The site extends along Seasalter Road, with proposed access opposite existing linear development, including the more recent development of Murton Place. Parts of the site, including the existing school playing fields are at an elevated position above the height of the road. The development would then extend behind the school playing fields to bring the development adjacent to Sandbanks Lane, adjoining the development of Vinson Close. The site, when viewed from the nearby public right of way is already partially enclosed by existing landscaping but glimpsed views of the rooflines of the existing houses along Seasalter Road are possible.
18. Seasalter Road is characterised by residential development fronting the road, with in depth development accessed off this primary route. The site is currently rough scrub and grass and partially enclosed by existing hedging. The site provides a visual separation between the existing built development and contributes to the open rural nature which is experienced beyond the appeal site. Therefore, there would be a degree of urbanisation and countryside encroachment through additional housing.
19. However, the development of the site would consolidate and appear part of the linear development as you enter the village. The proposal whilst increasing the density of development within the locality, the indicative layout demonstrates that it would be possible for the scheme to have a similar plot size to the modern development adjacent to the appeal site and on the opposite side of the road. The introduction of the proposed dwellings into the site would be appropriate within this rural setting, having regard to the development adjoining the site and the modest scale of the development proposed.
20. The Council have raised concerns that the housing would be seen against the skyline at a higher level, representing a new, incongruous component which is contrary to the Graveney Arable Farmland Landscape Character Assessment (LCA) which seeks to avoid proposals that would be unduly prominent on high or open ground. However, the proposal is in outline and as such matters of detail in terms of how the development is laid out across the site and the use of scale are matters to be considered at reserved matters. Noting the large areas of open

space shown on the indicative layout and the intention to include new trees and hedges along the boundary, there is nothing before me to indicate that the layout and design of the development could not take into account the increased levels across the site.

21. The development would be appropriate to the landscape character and quality of the area which is proportionate to the scale of the existing settlement. Furthermore, it would contribute toward addressing local housing needs, supporting the village economy and assisting with the overall housing growth proposed for the Borough.
22. In conclusion, the introduction of the proposed development into the appeal site, would accord with the relevant policies relating to housing in rural areas. It would also accord with policies CP4 and DM14 of the LP which together seek to achieve good design which is appropriate to its surroundings and well sited. It would also accord with policy DM24 of the LP which requires non-designated landscapes to be protected and enhanced.

Heritage Assets

23. The site is located outside of both Graveney Church Conservation Area and Graveney Bridge Conservation Area, but is considered to be within the setting of both Conservation Areas. The site is also within the setting of the following Grade II Listed Buildings, Bridge House, Graveney House, Murtons Farmhouse and Barn.
24. Section 66 (1) of the LBCA Act requires special regard to be had to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses when dealing with planning applications.

Bridge House and Graveney House

25. Bridge House and Graveney House are Grade II listed and date from the eighteenth century. Their significance is derived from their architectural features, both being examples of Georgian architecture, featuring central doorways, symmetrical proportions and built using material typical of the period.
26. The setting of these buildings, which face the junction between Seasalter Road and Sandbanks Road, are currently experienced as prominent features of the road junction, with the surrounding undeveloped landscape allowing for appreciation of their historic value and context.
27. The appeal site contributes to the setting of both listed buildings as it forms part of the undeveloped rural hinterland which surrounds them, with the eastern side of Seasalter Road being largely free from built form, giving the listed buildings greater visual prominence and providing context to their significance as vernacular rural dwellings.
28. However, noting the separation provided by the existing landscaping and the school playing fields, together with the existence of Vinson Close, I consider that this harm would be at the lower end of less than substantial.

Murtons Farmhouse and associated listed barn

29. Both buildings are Grade II listed, timber vernacular structures, with their significance being derived from its historical interest and ability to convey

remaining elements of a sixteenth century farmstead. Historical maps indicate that the appeal site was once in the same ownership as the farmhouse and there is a functional and historic link between the two, with the farmhouse overlooking the land it farmed. The setting of the building, including the appeal site, contributes to the significance of the building as it allows for both the farmhouse and the barn to be appreciated within a largely rural setting, reflecting their historic use.

30. Therefore, once developed there would be a loss of historic setting and the views from and to the assets would be altered, and to some degree this would lessen the ability to appreciate the buildings historic interest. However, the buildings would still be read and appreciated as distinct historic buildings, as a result of their materials and differing architectural style compared to the more modern development to the south of the listed buildings.
31. The wider fields beyond the appeal site would also remain and there would be a degree of separation as a result of the proposed open space providing a visual buffer. Therefore, I consider that the harm to the setting of these assets would be at a low level of less than substantial.

Graveney Bridge Conservation Area (GBCA)

32. Paragraph 219 of the Framework requires new development within the setting of Conservation Areas to enhance or better reveal its significance. The Framework defines the setting of a heritage asset as the surroundings in which a heritage asset is experienced.
33. GBCA comprises a handful of buildings and derives its significance from the placement of buildings, their material quality and their development at the road junction. Historically they comprised a small group of buildings clustered around the parish boundaries of Faversham and Graveney, which intersected at this point. This group of buildings are significant as an example of a small rural hamlet, distinct from the larger settlements to the north and south, forming part of a rural landscape.
34. The surrounding open fields, including the appeal site, form part of the appreciation of this historic context, albeit it has been somewhat diminished through more recent development of the village. However, I do not consider that this would result in the merging with the adjacent Graveney Church Conservation Area, as these areas will remain distinctive due to their own significance.
35. For the reasons set out above, the setting of the listed buildings which form part of the GBCA would be harmed, as a result of the proposed development and I consider as a consequence there would be less than substantial harm to the setting of the GBCA, albeit at the lower level.

Graveney Church Conservation Area (GCCA)

36. GCCA's significance is derived from its development as a Church Manor complex, featuring four listed buildings, including Murtons Farmhouse and barn, All Saints Church and Graveney Court. It is distinct from the development at Graveney Bridge, as it is separated by undeveloped fields including the appeal site, on the eastern side of Seasalter Road. The rural context of the area allows the appreciation of the buildings within the GCCA.

37. The proposed development will lead to a degree of encroachment upon this rural setting and the settings of the buildings that derive their significance from it, as set out above. The harm to the setting of the GCCA is less than substantial, at the lower level.
38. Given the above, I find that the proposal would fail to preserve the special interest of those listed buildings and the significance of the Conservation Areas. Consequently, I give this less than substantial harm considerable importance and weight in the planning balance of these appeals.
39. Paragraph 212 of the Framework advises that when considering the impact of development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 213 goes on to advise that significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting and that this should have a clear and convincing justification. Under such circumstances, paragraph 215 of the NPPF advises that this harm should be weighed against the public benefits of the proposal.
40. The site would give rise to some economic benefits during the construction phase and I consider that there would be moderate social benefits arising from the contribution to the Council's housing supply, noting the Framework highlights the contribution small and medium sized sites can make to meeting the housing requirement in the area. Furthermore, the provision of affordable housing would comprise a significant benefit and the provision of self and custom build housing would also attract significant weight, noting the Council cannot currently demonstrate sufficient supply to meet its demand. As such, in combination these benefits are considered to outweigh the identified harm to which I must attach considerable importance and weight.
41. Given the above, I conclude that, on balance, the proposal would preserve the setting of the Grade II listed buildings and the character or appearance of the GBCA and GCCA. This would satisfy the requirements of the Act, paragraph 210 of the Framework and accord with policies DM32 and DM33 of the LP that seeks, among other things, to ensure that the listed buildings setting is preserved and development within a conservation area will preserve or enhance all features that contribute positively to the areas' special character or appearance.

Other Matters

Self build and Custom build housing

42. The parties agree that the Council has not met its statutory duty with regard to the delivery of self build plots. The proposal would result in the delivery of sixteen self build and custom build houses, which would be secured by the submitted legal obligation and this is a benefit of the proposal which attracts significant weight.

Five Year Housing Land Supply

43. I note that the parties are agreed with regard to five year housing land supply, with the Councils supply at 3.98 years. It is also recognised that this undersupply has persisted for some time. The development of 27 houses would assist the council in addressing this undersupply and noting the scale of the development, which secures affordable housing I consider this attracts significant weight.

44. I have also taken into account the matters raised in the representations received including issues such as highway safety, flood risk, air quality, loss of best and most versatile land, water supply, flooding, loss of outlook, overshadowing and access to health care and education. Concern has also been raised relating to the impact on wildlife, local fauna and flora. However, there is no evidence before me that there would be harm in respect of these matters, and no objection has been raised by the Council or statutory consultees in regard to these matters. Furthermore some matters, such as overshadowing and outlook are related to detailed design and layout matters which will be considered as part of the reserved matters. Therefore, none of the matters raised provide a compelling reason why planning permission should not be granted.

Planning Obligations

45. The appellant has provided a legal agreement under section 106 of the Town and Country Planning Act 1990, which includes a number of obligations which would come into effect if planning permission were to be granted. I have considered the obligations in light of the Framework, Planning Practice Guidance and the Community Infrastructure Levy Regulations (the CIL Regulations). These state that a planning obligation must be necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development.
46. The legal agreement facilitates a number of financial contributions which are evidenced within the Kent Developer Contributions Guide 2023, which is a material consideration and linked to Local Plan Policy CP6 which seeks to secure contributions towards deficiencies in infrastructure. It also secures the provision of affordable housing, a Strategic Access Management and Monitoring Strategy contribution and ensures that the area of land currently used as a school playing field is offered to the school on a 125 year lease.
47. On this basis, I consider the agreement accords with the criteria of Regulation 122 of the CIL and with paragraph 57 of the Framework. I can therefore reasonably take it into account.

SAMMS

48. The appeal site is within the zone of influence (6km) for The Swale Special Protection Area (SPA) and Wetland of International Importance under Ramsar Convention (Ramsar Site). The Council is part of the North Kent Strategic Access Management and Monitoring Strategy (SAMMS) to mitigate for additional recreational impacts on these designated sites and to ensure that adequate means are in place to secure mitigation.
49. The Conservation of Habitat and Species Regulations 2017 (the Regulations) require that the competent authority must ensure that there are no significant adverse effects from the proposed development, either alone or in combination with other projects, that would adversely affect the integrity of the SPA and Ramsar Site. The effects arising from the proposal need to be considered in combination with other development in the area and adopting a precautionary approach.
50. Since the development is for twenty seven dwellings, the number of additional recreational visitors would be modest and the likely effects on the SPA and Ramsar

Site from the proposed development alone may not be significant. However, in combination with other developments it is likely that the proposal would have significant effects on the designated site.

51. Given my findings, the Regulations place a duty on the competent authority to undertake an appropriate assessment of the implications of the appeal scheme in view of the site's conservation objectives.
52. The site is within the zone of influence where new residential development is likely to result in recreational pressure, which would, both alone and in combination with other development within the zone of influence, have a likely significant effect on the interest features of the aforementioned sites. Therefore, I consider that the development would have an adverse effect on the integrity of the site, but regard can be had to whether these adverse effects can be mitigated.
53. The SAMMS sets out a strategic approach to mitigation by several councils across the wider area. It details mitigation measures that would be funded by financial contributions at a specified tariff per dwelling. Since these include a range of habitat-based measures such as education, communication and monitoring, and have been endorsed by Natural England, I am satisfied that the measures would adequately overcome any adverse effects of the proposal on the SPA and Ramsar Site.
54. The appellants have submitted a planning obligation for the per dwelling contribution of £337.49 to fund the SAMMS. Given the evidence before me I am satisfied that the mitigation measures have been secured and would be used for their intended purpose.
55. The contributions would be necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development, in accordance with Regulation 122 of the Community Infrastructure Levy Regulations. As such, the contributions toward the mitigation schemes would count as mitigation toward maintaining the integrity of the sites.

Planning Balance

56. The Council confirmed it can no longer demonstrate a 5 year supply of deliverable housing land, and accordingly paragraph 11(d) of the Framework is engaged. Whereby planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework, taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.
57. Footnote 9 explains that the policies referred to, which are relevant to this appeal are paragraphs 66, 84, 110, 115, 129, 135 and 139. The proposal accords with paragraph 66 as the scheme provides affordable housing and paragraphs 84, 110 and 115 as the proposal is not isolated, the decision recognises that sustainable transport solutions will vary in rural areas and this has been taken into account within the planning balance, and access to the site is safe and suitable.

58. The proposal would also achieve the aims of paragraphs 129, 135 and 139 which together support development that makes efficient use of land taking into account the desirability of maintaining an area's prevailing character and setting, is visually attractive as a result of good architecture and layout and accords with the National Design Guide. The proposal would maintain the area's prevailing character and setting (129d) and would add to the overall quality of the area, sympathetic to local character, including the landscape setting (135a, 135c).
59. The contributions secured by the planning obligation, set out above, would be required to mitigate the increased demand on those facilities arising from the development and therefore they are neutral in the planning balance.
60. The site is of a scale appropriate to the size of the existing settlement and there is no evidence that local infrastructure would be unable to meet the needs of the development. The development would also give rise to some economic benefits during the construction phase and provide support to local services, beyond the settlement of Graveney.
61. In addition, the delivery of self build and custom build housing and eleven affordable homes from this development will result in social benefits. Therefore, noting the scale of the development proposed, I have attributed significant weight to the delivery of housing in this instance, which would contribute to housing supply in the area and the Framework highlights the contribution small and medium sized sites can make to meeting the housing requirement in the area.
62. The appellant has also set out a number of biodiversity enhancements within its preliminary ecological appraisal which could be implemented as part of biodiversity net gain, which is not mandatory under the transitional arrangements. I have attributed moderate weight to these environmental benefits.
63. Therefore, the identified adverse impacts of the development in respect of this conflict with the development plan would not significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. Therefore, the presumption in favour of sustainable development applies which points towards the grant of planning permission.

Conditions

64. The Council has suggested conditions which I have considered against the advice in the Framework and Planning Practice Guidance. I have attached conditions relating to the submission of reserved matters and the time limits associated with this. I have also included a condition specifying the relevant plans as this provides certainty.
65. Noting the proposal includes the provision of self build properties, a condition requiring the submission of a design code is required to enable a consistent approach across the site.
66. The submission and implementation of a construction management plan is necessary to minimise detrimental effects to the living conditions of neighbouring residents and ensure highway safety during the construction phase.
67. In order to ensure that the roads and junctions are designed and constructed to an appropriate specification, with parking for vehicles and cycles and the provision of

footways, I have imposed conditions which require the works to be completed prior to the occupation of any dwelling.

68. To ensure that any unexpected contaminants are correctly identified and remediated to ensure that the future users of the site are protected from risks associated with contaminants it is necessary to require an assessment of the risks posed and details of remediation.
69. To manage the surface water environment of the scheme a condition is necessary that secures a detailed surface water drainage scheme to be submitted to and agreed by the Council.
70. To protect below ground assets, a condition requiring appropriate archaeological monitoring and investigation is necessary.
71. To ensure the delivery of formal and informal open space, a condition requiring the submission of an open space strategy is considered appropriate. This includes arrangements for ongoing maintenance.
72. Furthermore, in order to support the government's objective of increasing sustainable development I have imposed a condition to ensure that details of an overarching strategy for energy are provided for the development and that measures for water efficiency are provided within each dwelling. Also details of offsetting of transport related air pollution.
73. To protect and enhance biodiversity I have found it necessary to impose a condition requiring details of any external lighting to be submitted and for a biodiversity enhancement plan to be provided, a landscape and ecological management plan with details of enhancements and a construction ecological management plan to be submitted and agreed.

Conclusion

74. The proposed development would conflict with the development plan but material considerations indicate that a decision should be made other than in accordance with it.
75. For the reasons given above the appeal should be allowed.

G Pannell

INSPECTOR