



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: 10 December 2025

Appeal Ref: APP/V2255/W/25/3367559

Land west of Head Hill Road, Graveney, Kent, ME13 9DE

- 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 23/504263/OUT.
 - The development proposed is erection of up to 8no. self and custom-build dwellings, with public parking facilities, allotments and associated infrastructure.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. I am also the appointed Inspector for APP/V2255/W/25/3365131, Land at Sandbanks Lane and Seasalter 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 the fifth reason for refusal relating to surface water drainage can now be addressed with appropriate conditions, 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
 - the effect of the development on designated heritage assets; and
 - the effect of the development on best and most versatile land.

Reasons

Spatial Strategy

5. 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.

<https://www.gov.uk/planning-inspectorate>

6. 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.
7. 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.
8. 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

9. 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, which leads from the site and 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.
10. A bus stop is present along Head Hill 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 leads to uncertainty that it would be a realistic substitute to the convenience of a private car.
11. 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.
12. 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.
13. 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.
14. 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

15. Policy DM24 sets out that in non-designated landscapes, such as the appeal site, planning permission will be granted subject to minimisation and mitigation of adverse impacts. 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.
16. Whilst the level of harm has not been identified within their written evidence, the Council confirmed at the hearing that they considered in this instance the proposal would result in significant harm and would therefore conflict with policy DM24.
17. The site is on the edge of Graveney and comprises an open area of land lying between Graveney and Goodnestone and is within the Goodnestone Conservation Area. Adjacent to the site is Grade II Listed Four Horseshoes Public House, and a residential park home comprising approximately 46 park homes. On the opposite side of the road is post war housing.
18. The Council consider that the development would be incongruous when viewed within the context of surrounding development, which is more scattered and varied and would result in visual coalescence between Goodnestone and Graveney.
19. At a national level the appeal site is located within NCA81: Greater Thames Estuary and at County level within the Eastern Fruit Belt Landscape Character Area (CLCA). The key characteristics of the CLCA are its rural character with strong woodland blocks, with the overall landscape condition being poor, with the sensitivity of the landscape being low, on the basis that whilst the landscape is relatively open, the landform is not the dominant feature within view.
20. At a District Level the Swale Borough Landscape Character and Biodiversity Appraisal (LCBA) places the site within Landscape Type Marshland and LCA3: Goodnestone Grasslands. The site is located on the eastern edge of this Landscape Type and does not reflect the wider characteristics of winding creeks, mudflats and broad tracts of tidal saltmarsh.
21. However, LCA3 is described as having a tranquil and unspoilt nature with limited development, whilst recognising that pockets of grassland used for horse grazing have been degraded and localised field subdivision for equine activity detracts from the grassland setting of the Church. It is assessed as being in good condition with high sensitivity to change, however this will vary across the character area and the appeal site given its proximity to the railway line and woodland is of a lower sensitivity. The site is on the edge of LCA21: Graveney Arable Farmlands, which is characterised by being a gently undulating landform managed for the production of crops and this is evident further along Head Hill Road.
22. It has been put to me that the site is perceived as forming part of a contained field parcel, within the setting of Graveney and this character would be enhanced by the introduction of the proposed woodland buffer on the edge of the site, nearest to Goodnestone. However in travelling along Hill Head Road towards Goodnestone by car, you quickly pass between the two villages and any further encroachment of

built development from Graveney towards Goodnestone will diminish the sense of separation between the two settlements.

23. The proposed development would result in the loss of the undeveloped and open character of the site, which contributes positively to the rural character of this part of Hill Head Road. The introduction of housing within the appeal site would reduce, diminish and erode the function that the site performs as a gap between the two settlements and the visual connection with the landscape beyond.
24. Whilst I accept that the development of the site would still enable a gap to be maintained, with land further along Hill Head Road remaining undeveloped, I consider that the development would erode the importance of this gap which contributes positively to the open nature and rural character of the area. This would lead to a built form and suburbanisation that would be at odds with the open quality of the area.
25. I have taken into account the appellant's suggestion that the development will offer an opportunity to incorporate a more appropriate and sensitive rural edge, with the inclusion of a woodland buffer to the ancient woodland beyond the site, internal hedgerows and structural planting. This landscaping would not mitigate the loss of the gap between the two settlements and as such would not minimise and mitigate the adverse landscape impacts. I consider that the proposal would result in a significant adverse impact and therefore this will need to be considered against any benefits of the proposal within the planning balance, as per policy DM24 of the LP.
26. The introduction of the proposed dwellings into the site would therefore fail to demonstrate that there would be no harm to the sites rural landscape setting. The development would be harmful to the landscape character and quality of the area and conflict with policies ST1 and ST3 of the LP as set out above. This significant, permanent environmental harm to the character and appearance of the area is a matter which weighs heavily against the proposal.
27. It would also fail to accord with CP4 and DM14 of the LP which together seek to achieve good design which is appropriate to its surroundings and well sited.

Heritage Impacts

28. As the proposal is in a conservation area and relates to the setting of a listed building I have had special regard to sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
29. The Goodnestone Conservation Area (CA) covers an area encompassing Goodnestone Court and St Batholomew's Church and includes both the southern and northern sections of Head Hill Road. It includes the ancient woodland to the rear of the appeal site and terminates prior to the residential caravan park. Its significance is derived from the collective group of high quality historic buildings separated by open gaps.
30. The Four Horseshoes Inn dates from circa 1800. The buildings significance is derived from its historical interest, conveying the development of nineteenth century public houses. The glossary of the Framework gives a definition of the setting of a heritage asset as "the surroundings in which a heritage asset is

experienced". It goes on to advise that the extent of this setting is not fixed and may change as the asset and its surroundings evolve.

31. Its setting is informed by its location on Head Hill Road, with its purpose built function as roadside public house which drew on custom from passing traffic, helping to inform its setting. Much of its historic rear setting has been lost through the construction of the residential retirement park, however its presence at the entrance to Graveney village remains with views across the adjoining car park. Given the above, I find that the setting of the building, insofar as it relates to this appeal, to be primarily associated with its presence on Head Hill Road and any visibility of the building when entering the village and that this directly contributes to its special interest for the reasons given.
32. The parties agree a level of less than substantial harm to the CA would result from the proposed development. As I have set out above the proposal would result in the erosion of the spacing between the two settlements and as such this would be harmful to the significance of the CA. I consider that this harm would be within the low to medium range of less than substantial.
33. 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.
34. Given the above, I find that the proposal would fail to preserve the special interest of the listed building and the significance of the CA. Consequently, I give this harm considerable importance and weight in the planning balance of these appeals.
35. 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.
36. Given the scale of development, I find the harm to be less than substantial in this instance but nevertheless of considerable importance and weight. Under such circumstances, paragraph 215 of the Framework advises that this harm should be weighed against the public benefits of the proposal. 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 and the overprovision of open space. Furthermore, the provision of self and custom build housing would attract significant weight, noting the Council cannot currently demonstrate sufficient supply to meet its demand. However, these benefits are not considered to outweigh the identified harm to which I must attach considerable importance and weight.
37. Given the above, I conclude that, on balance, the proposal would fail to preserve the setting of the Grade II listed building and the character or appearance of the Goodnestone Conservation Area. This would fail to satisfy the requirements of the Act, paragraph 210 of the Framework and conflict 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.

38. As a result the proposal would not be in accordance with the development plan. It would also not accord with the policies of the Framework which seek to conserve and enhance the historic environment.

Best and Most Versatile Land

39. The appeal site is located on best and most versatile land, where policy DM31 of the LP requires that development will only be permitted when there is an overriding need that cannot be met on land within the built up area boundaries. Development proposals also need to demonstrate that there are no alternative sites on a lower grade and that the development will not result in the remainder of the holding becoming unviable.
40. The borough of Swale is heavily constrained due to the presence of the Kent Downs National Landscape, areas of High Landscape Value and national ecological designations, resulting in a scarcity of suitable and unconstrained land. Land outside of these designations is often high quality agricultural land. Noting the Council's undersupply of housing, it is highly likely that some best and most versatile land will be required to be released for housing in order to meet these needs.
41. The Council acknowledged that it had not always applied the policy consistently, with it not forming a reason for refusal for the appeal on a neighbouring site. It was also set out that whilst there was a conflict with Policy DM31, noting the quantum of land within the Borough which is best and most versatile, the weight to be given to the conflict would be limited.
42. The conflict arises from the lack of evidence to demonstrate that there are no alternative sites on a lower grade of land, with the evidence provided only considering land in Graveney and not district wide. The appellant accepted that any conflict would attract limited weight.
43. Therefore, taking into account the scale of the site and the proportion of other land within the borough which has a similar status, the minimal loss would need to be balanced against the benefits of the proposal. Therefore, I have attributed limited weight to the conflict with policy DM31.

Other Matters

Self build and Custom build housing

44. 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 eight 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 considerable weight.

Village car park and allotments

45. The proposal includes approximately 0.79 hectares of the site to be developed as open space, with 0.20 hectares of that being for allotments, with an over provision of 0.65 hectares in total.
46. There are currently no allotments in Graveney or Goodnestone, with the nearest allotments being within Faversham, Hernhill and Boughton upon Blean. The

provision of allotments on the appeal site would accord with policy DM17 of the Local Plan, whereby 0.20 hectares are required per 1,000 population.

47. The proposal also provides a village car park, although it is not clear whether there is a need for such a facility and who the car park would serve, given the limited facilities within the village and the distance from the school.
48. The parties agree that the overprovision of open space would attract moderate weight. The addition of a village car park would attract limited weight, noting there is minimal evidence to demonstrate that this is required, or could not be provided without the scheme before me.

SAMMS

49. 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.
50. As the competent decision-making authority, if I had been minded to allow the appeal it would have been necessary for me to complete Appropriate Assessments for this scheme. Therefore, whilst the appellant has made a direct payment to the Council in relation to these matters, as I am dismissing the appeal for other reasons, I have not taken the matter further.

Five Year Housing Land Supply

51. 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. However, paragraph 11(d) of the Framework is not engaged, because the policies in the Framework relating to heritage assets provide a strong reason for refusing the development proposal.

Planning Balance

52. 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.
53. In addition, the delivery of self build and custom build housing 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.
54. 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.

55. However, the collective harm arising from the identified adverse impacts of the development including the location, impact on the character and appearance of the area, harm to heritage assets and the loss of best and most versatile land would significantly and demonstrably outweigh the benefits outlined above.
56. Therefore, the proposal would also conflict with Policy DM24, as the significant adverse impact on the non-designated landscape is not significantly and demonstrably outweighed by the social or economic benefits of the proposal.

Conclusion

57. 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.
58. For the reasons given above the appeal should be dismissed.

G Pannell

INSPECTOR

APPEARANCES**FOR THE APPELLANT:**

James Waterhouse MRTPI, Director of Strategic Planning, Icen Projects
Toby Bonny MRTPI, Senior Planner of Strategic Planning, Icen Projects
James Morton BA (Hons) MA CMLI, Director of Planning, Aspect Landscape
Laurie Handcock MA (Cantab) MSc IHBC MCIfA, Director of Built Heritage and Townscape
Hugo Tomassi BA (Hons) Mst (Cantab), Senior Consultant of Built Heritage and Townscape, Icen Projects
James Brett, Skylark Kent LLP

FOR THE LOCAL PLANNING AUTHORITY:

Andy Gambrell - Team Leader (Planning Applications)
Laura Johnson - Senior Built Heritage Consultant (Place Services)

INTERESTED PARTIES:

Mrs L Stewart – Chair Graveney Rural Action Team
M Reynolds
Mr M Newman