



Appeal Decision

Site visit made on 22 July 2025

by **G Bayliss BA (Hons) MA MA MRTPI IHBC**

an Inspector appointed by the Secretary of State

Decision date: 26 SEPTEMBER 2025

Appeal Ref: APP/A2280/W/24/3355647

Land adjacent to Lower Bloors Lane, Rainham, Gillingham, Medway ME8 7TR

- 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 Mr Jhalli and Zammit against the decision of Medway Council.
 - The application Ref is MC/23/2668.
 - The development proposed is outline application for the erection of up to 21no. dwellings with all matters reserved except for access.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have used the address given in the appellant's appeal form in the banner heading above as this more accurately describes the site location.
3. Outline permission for up to 21 dwellings is sought with access to be considered at this stage. I have had regard to the indicative details including a site plan, site sections and typical house types. These illustrate one way in which the site could be developed and how it might appear in its context. The indicative site plan shows the general layout of the buildings and internal roads within the site with two-storey houses in the western section and bungalows to the east. The two-storey houses illustrate a mix of dwellings featuring a variety of architectural styles, including hipped and gabled roof designs. They would include garages and hardstanding areas. The bungalows have a mix of hip and pitched roofs and have off-street parking bays.
4. I have a statutory duty under sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses and to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area. Paragraph 202 of the National Planning Policy Framework (the Framework) advises that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance. Although the Council has not identified a range of outbuildings including a cart lodge and granary to the west of Bloors Place as a listed building in its appeal statement, these are mentioned in the Officer Report. To comply with my statutory duty, I have also considered any effect on these listed buildings.
5. Paragraph 212 of the Framework sets out that when considering the impact of a proposed 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 the alteration or destruction of those assets and that this should have a clear and convincing justification.

6. Following the submission of the appeal, a completed planning agreement under Section 106 of the Town and Country Planning Act 1990 has been submitted. The Council has confirmed that the submitted wording meets its requirements, and I am satisfied that this resolves the seventh reason for refusal. I will, however, consider the planning agreement later.
7. The Council has concerns with the indicative layout which it considers represents an over-concentration of parking provision. However, this does not appear relevant to an outline scheme where such a detailed matter could be considered at the reserved matters stage.

Main Issues

8. The main issues are:
 - Whether or not the appeal site would be a suitable location for residential development having regard to the development plan strategy for the area and access to services and facilities;
 - The effect of the proposal on the character and appearance of the site and surrounding area;
 - The effect of the proposal on nearby heritage assets;
 - The effect of the proposal on the ecology of the site; and
 - The effect of the proposal on highway and pedestrian safety.

Reasons

Location

9. The appeal site is outside of any settlement boundary and is therefore within the countryside for planning purposes. Policy BNE25 of the Medway Local Plan (2003) (MLP) states that development will only be permitted if it maintains the character, amenity and functioning of the countryside. I will consider the character element of the policy within the next main issue. The Policy goes on to state that development in the countryside will only be permitted if it offers a realistic chance of access by a range of transport modes. Paragraph 115 of the Framework seeks to ensure that appropriate opportunities to promote sustainable transport modes are prioritised, given the type of development and its location. Furthermore, paragraph 117 of the Framework advises that development should give priority first to pedestrian and cycle movements and, as far as possible, to facilitate access to high quality public transport.
10. Whilst in the countryside, this is not an isolated site, as it is located near to several clusters of dwellings along Lower Rainham Road. Therefore, paragraph 84 of the Framework is not applicable. However, paragraph 83 highlights that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities, including support for local services even in a village nearby.
11. The site would lie between two urban boundaries and is in a rural location some distance away from the service centres of nearby settlements. The appellant suggests that the site is on the edge of Rainham and is within acceptable walking

distance of public transport including Rainham railway station which is about a mile from the appeal site, and there are two bus stops on the road adjacent to the site. The appellant comments that the nearest convenience store is at a service station, a 7-minute walk away, with a public house and Indian restaurant a similar distance, and a wide range of services and facilities located within Rainham centre which is about a 25-minute walk.

12. The closest pedestrian route to the railway station and the main services and facilities within Rainham would appear to be a relatively lengthy journey by foot predominantly along an unlit footpath. A longer route would follow the road, with parts of the route unlit, narrow and without pavements. Whilst these facilities could be accessed by pavements with lighting, these journeys would be much further in length and would not appear to be readily accessible by foot, especially if goods are to be carried. Although a reliance on footpaths or roads without pavements may be common in rural areas, it may result in a route that pedestrians would be reluctant to use due to safety concerns, particularly after dark. Such access would be difficult for those with disabilities and reduced mobility.
13. Cycling would also be an unpopular option for some due to the narrow roads and traffic levels, and gaps in streetlighting. The Council advises that the bus stops near to the appeal site provide only one service each day in each direction. They comment that other bus stops are available, but these are much further away, including via a footbridge over the railway, which is not suitable for access for all. Even considering the proposed Unilateral Undertaking provisions which would provide improvements to sustainable transport, including public rights of way, this would not mean that the site would become accessible for all.
14. From the evidence, shops and facilities appear very limited in the immediate area, and it is likely that many future occupants would be reliant on private motor vehicles to meet their daily needs. Even though paragraph 110 of the Framework mentions that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, there is still a clear need to offer a genuine choice of transport modes to ensure that safe and suitable access to the site can be achieved for all users. Whilst there are some sustainable transport options, such as a bus, these options appear limited, and the railway station and other bus services are some distance away. Furthermore, due to the scale of the proposed development and its location, I see little evidence that it would demonstrably benefit services in the nearby communities. Consequently, the appeal site would not be a suitable location for residential development having regard to the development plan strategy for the area and access to services and facilities. It would therefore be contrary to MLP Policy BNE25 and the Framework.

Character and appearance

15. The appeal site comprises a commercial orchard associated with an agricultural unit, and a grazing paddock, incorporating part of a traditional orchard, which are both located to either side of Lower Bloors Lane and have a frontage with Lower Rainham Road. On the opposite side of Lower Rainham Road is a row of residential properties and beyond this are fields and the Gillingham Riverside Country Park which borders the Medway Estuary. To the east and west of the site are residential properties and to the south of the eastern parcel is a residential property and commercial units.

16. The site and surrounding area are designated under MLP Policy BNE34 as an Area of Local Landscape Importance (ALLI). In these areas, development will only be permitted if it will not materially harm the landscape character and function of the area or the economic and social benefits are so important that they outweigh the local priority to conserve the area's landscape.
17. The Medway Landscape Character Assessment (2021) identifies that the site is located within the Gillingham Riverside which is described as an important green buffer separating built up areas of Twydall and Rainham from areas of international importance for nature conservation and recreation along the Medway estuary. Within this area, the appeal site forms part of the Lower Rainham Farmland Character Area, which is described as flat, small to medium scale mixed farmland, orchards, arable and rough grazing with a gradual trend towards suburbanisation in some local areas and some well managed shelterbelts, farm buildings, cottages and distinctive rural hedge banks, being tranquil in parts. Key issues in the character area include its importance as a green corridor, its integral links with the Riverside Marshes area and a threat of expansion to urban edges, and a gradual pervasive erosion of rural character. Guidelines for the area include the restoration and reinforcement of neglected fields and landscape features including orchards, discouragement of creeping suburbanisation, resistance of further built development and to consider the area integrally with the marshes for its value as a green buffer, wildlife corridor and link to the wider countryside.
18. The appeal site sits almost centrally within the Lower Rainham Farmland Character Area. Whilst there are small clusters of dwellings and some individual properties mainly addressing the road frontages, the area in the vicinity of the appeal site is rural in character with rural land uses, mature vegetation and often extensive rural views. The appeal site reflects many of the landscape characteristics identified above. Although I found some visual containment of views within the site due to nearby buildings and vegetation, there were open views towards the Riverside Marshes especially to the south-eastern part of the site. From this location I was also able to see across to the estuary. Overall, the site felt very much part of the countryside rather than part of a built-up area. As such, I consider that, even taking account of the more recent development in the area, the appeal site with its orchards, small scale mixed farmland, hedgerows, visual link with the marshes and wider countryside, and its relative tranquillity, makes it a characteristic and intrinsic part of the character area.
19. The proposed development of up to 21 dwellings would result in a loss of most of the essential features of the site within this character area and would replace it with built form which would significantly erode this section of the Area of landscape Importance. This would be contrary to the guidelines resisting further built development and creeping suburbanisation. Whilst the suggested layout and description of the development is indicative only, it indicates a more suburban development with buildings served from two cul-de-sac roads. It would be quite uncharacteristic of the arrangement and distribution of buildings nearby and the rural, open character. Even with further details being secured at reserved matters stage to control the siting and appearance of the dwellings and landscaping of the wider site, I am not convinced that such a scale of development could be accommodated without causing considerable harm to the character area, especially in such a central position. This would remain the case even with the maturing of landscaping. Furthermore, the development would also coalesce with

nearby informal groups of buildings which would exacerbate the visual urbanising effect on the wider area. It would also considerably diminish the area's role as part of a green buffer.

20. Therefore, I conclude that the development would have a significantly harmful effect on the character and appearance of the site and surrounding area. As explained below, it would provide no substantial economic or social benefit to outweigh the local priority to conserve the landscape. As such it would conflict with MLP Policy BNE25 and BNE34 as described above and the Framework which seeks to ensure that development is sympathetic to local character. I am not satisfied that planning conditions or details at the reserved matters stage could overcome this harm that would result from the effect of the development of housing on this land.

Heritage assets

21. The appeal site is close to a cluster of listed buildings. Bloors Place is a Grade II* listed building (Ref.1267764) and in accordance with paragraph 213 of the Framework is of the highest significance. The list description mentions that the building originated as a Wealden-type, hall house dating from the 15th century with some rebuilding. It mentions that it is a 2-storey building with an attic, constructed in timber frame, clad in red brick with tile hanging above, with a part stone and part brick rear wing. It describes the form of the roof and its architectural detailing externally and internally. It is described as a fine and unusual complex with group value associated with the rear walled garden walls, cart lodge and outbuildings.
22. Bloors Place is set back from Lower Rainham Road behind a front garden with a thickly planted boundary of hedging and mature trees. This planting returns along the boundary with the appeal site, although it is more gappy until it reaches the listed garden wall (Grade II, Ref.1267767). The list description explains that the wall dates from the 17th century, is built in brick and stone and mentions its detailing. The wall encloses the gardens to the east, adjoining the appeal site, and the south. A separately listed range of outbuildings including cart lodge, granary and cattle shed lies to the west of Bloors Place (Grade II, Ref.1267769). The list description mentions that the 18th century buildings have been converted for domestic use and describes their arrangement, materials and features.
23. From the submitted evidence and my visit, the significance of the listed buildings, insofar as they relate to this appeal, is largely derived from their age, form, function, historic fabric, and architectural features. Each reinforces the significance of the group with the significance of Bloors Place elevated by its Grade II* status. These buildings and features suggest to me that the site operated as a high-status farmstead.
24. The farmstead had a direct association with the land around it, as illustrated in the historic maps in the appellant's Heritage Statement, and that surrounding agricultural landscape reinforces its origins and function. Although public views of the listed buildings are limited in some areas due to mature boundary planting and the relatively high garden wall, it is evident from the submitted details and my assessment of the site that the farmstead arrangement is still legible, and many historic fields and boundaries appear extant. Although Bloors Place fronts the road, I saw several large windows in the side gable looking towards the appeal site. I also saw that glimpsed views of Bloors Place could be seen from the east

along Lower Rainham Road and from parts of the appeal site, including on the site of the old orchard. These views would be much clearer during winter months and could be more open if the orchard is managed, and if hedges or other landscaping is thinned or reduced in height. I am also mindful that listed buildings are safeguarded for their inherent architectural and historic interest irrespective of whether public views are available. Equally, the significance of a listed building is not just focussed on frontages or limited to those elements mentioned in the list description. The wider agricultural context, including the appeal site, may no longer be in the same ownership as Bloors Place, but nevertheless it still contributes positively to the environment in which the listed buildings are collectively appreciated and experienced.

25. The boundary of the appeal site with Bloors Place also marks the eastern extent of the Lower Rainham Conservation Area. This is an historic, rural hamlet focussed on historic buildings mainly following Lower Rainham Road which served an agricultural hinterland. The significance of the Conservation Area is mainly drawn from the predominantly rural character and range of traditional buildings that it contains, together with its use of materials, pattern of development and the relationship of the buildings to the spaces around them. Although the core of the historic settlement may lie to the western side of the conservation area, the map regression shows a looser arrangement of historic buildings along Lower Rainham Road to the east, including Bloors Place. This type of settlement form is often representative of an agricultural community with farms located near to their land. Bloors Place is an integral part of the settlement. The orchards and fields to its east, including the appeal site, although outside the conservation area, form part of its agricultural setting and reinforce a sense of relative isolation. This rural setting can be appreciated from Lower Rainham Road and Lower Bloors Lane.
26. The indicative details suggests that the site layout and design could retain part of the commercial orchard nearest to Bloors Place, and bungalows could be located just beyond to minimise the visual impact of development on the heritage assets. However, despite these measures, and even with the final details to be determined at reserved matters stage, the agricultural setting of the farmstead would be significantly diminished because of development in the adjoining fields. The details indicate that there would be a significant expanse of domestic built form and roads across much of the appeal site which would be seen in many places from nearby roads and footpaths. The surrounding hedges and other planting would assist in partly filtering the presence of the development. However, taking account of seasonality and management, I am not satisfied that they could adequately mitigate the effect of the proposed development, especially in lengthy views towards Bloors Place from Lower Rainham Road. Rooftops would likely be prominent, especially near to the junction with Lower Bloors Lane where the dwellings are likely to be viewed with Bloors Place in the background.
27. The alteration to the historic landscape and the encroachment of urban residential development onto this agricultural land would irreversibly harm the way that the listed farmstead would be seen in the landscape, eroding its agricultural setting and sense of rural isolation. Likewise, it would erode the contribution that the rural setting makes to the significance of the conservation area. This would be particularly pronounced given the appeal site's location alongside the road approaching the settlement. Again, I am not satisfied that details at the reserved

matters stage, including alternative layouts and extensive landscaping, would be able to address this harm.

28. The Pump Lane appeal decision¹, referred to by the appellant, relates to a proposed, mainly residential development on the southern side of Lower Rainham Road, including some land to the rear of the appeal site. In that case the Inspector considered that the arrangement of listed buildings at Bloors Place and vegetation limited views out into the wider area. It was further considered that the appeal site, at the rear of Bloors Place, with some intervening land, indicated that the site made only a very limited contribution to the significance of Bloors Place. In the appeal before me, the appeal site is more prominently located alongside Lower Rainham Road and would be immediately adjoining Bloors Place. Whilst I recognise that views are filtered by surrounding vegetation, there is much greater potential for development on this site to be viewed in conjunction with Bloors Place and for it to affect the way that it is experienced and appreciated. The Inspector in the Pump Lane decision also noted that adjacent orchard areas were important to the legibility of the former farming use. I am not therefore persuaded that the Pump Lane decision has the same characteristics, relationships and effect on heritage assets as with the present case. Consequently, I attach limited weight on this previous decision in influencing my considerations in the present appeal.
29. An Archaeological Desk Based Assessment has been submitted as part of the appeal. This concludes that on the site there is a high risk of prehistoric remains and medium risk of medieval remains. A watching brief is recommended to take place to record any potential archaeology which may survive on the site. The Council does not appear to have raised any concerns in relation to the desk-based assessment and its conclusions. Therefore, in this respect, I see no adequate reason to consider that it does not fulfil the requirements set out in the Framework.
30. Considering all the above, and notwithstanding any details that could be submitted at reserved matters stage, I find that the proposal would fail to preserve the significance of the listed buildings. Therefore, the expectations of the Act are not met. I have also found harm to the setting of the conservation area. Paragraph 212 of the Framework advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to the asset's conservation. The Framework goes on to advise that significance can be harmed or lost through alteration or destruction of those assets and any such harm should have a clear and convincing justification. I find the harm in the context of the significance of the heritage assets as a whole, in the language of the Framework, and taking account of the Grade II* status of Bloors Place, to be at the upper end of less than substantial harm in this instance. This commands considerable importance and weight and is not to be treated as a less than substantial objection to the proposal. The Framework advises that this harm should be weighed against the public benefits of the proposal.
31. The development would provide up to 21 dwellings which would add to the overall stock and choice of properties, including providing affordable housing. A boost to housing supply is an important Framework consideration in favour of the development, especially as the Council accepts that it does not have a Framework compliant housing land supply. It is suggested that the site is readily available and deliverable and that development would support the vitality of the community,

¹ Ref.APP/A2280/W/20/3259868

including supporting local services and facilities, and would provide some construction jobs. Future occupants would also help sustain local businesses. Given the pressing need for additional housing, collectively and having regard to the number of dwellings to be provided, these matters would attract moderate weight as public benefits.

32. The appellant also mentions that there would be environmental benefits derived from new planting and biodiversity enhancements, and that the buildings would incorporate energy efficiency measures. These aspects of the proposal generally represent good planning expected in all cases, and therefore as positive features of the development I attribute them limited weight. Although some of the provisions of the Unilateral Undertaking are public benefits to which I ascribe some weight, many of these are to mitigate for the demands arising from the needs and impacts of future occupants.
33. It is suggested that the site is sustainably located on the edge of Rainham, but I have found that many future occupiers would be reliant on private vehicles. It is also suggested that the site is underused but there is little to support this claim. The appellant proposes to manage the retained parcel of commercial orchard in a traditional manner, but I am not certain that the existing trees would be suitable to be managed in this way. These matters therefore carry little weight as benefits.
34. Given the above, I conclude that the overall moderate weight that I attribute to the public benefits would be insufficient to outweigh the level of harm to the designated heritage assets, to which I attach great weight. Those assets include a Grade II* listed building which amplifies the weight further. As such, the proposal would not comply with the Framework. In addition, there is no clear and convincing justification for the harm to the significance of the designated heritage assets. The proposal would therefore conflict with MLP Policies BNE12 and BNE18 which seek to underpin the statutory and policy objectives.

Ecology

35. MLP Policy BNE37 states that development causing a loss of important wildlife habitats will not be permitted unless there is an overriding need for the development that outweighs their importance as wildlife resources, the development is designed to minimise the loss involved, and appropriate compensatory measures are provided.
36. Although the Council refers to the proposed removal of a length of hedgerow west of Lower Bloors Lane to facilitate one of the site access points, it appeared to me during my visit that the hedgerow in question had already been removed. I saw a post and wire fence and brambles in its place. The indicative site plan suggests that other existing hedgerows may form part of future garden boundaries as part of the reserved matters application. Whilst there may be a risk of hedgerow removal as part of garden management, I see no compelling reason to find harm on this point at this outline stage.
37. The eastern part of the appeal site contains an area of traditional orchard which is intended to be removed. The appellant's Preliminary Ecological Appraisal (2023) identifies this as a priority habitat and recommends that the traditional orchard should be retained as far as possible within the development. It notes that as this is to be removed then compensation is required through the creation and long-term management of additional traditional orchard. Whilst I recognise that the

existing trees are relatively scattered within this orchard site and have declined in number, nevertheless this is still a priority habitat. The appellant suggests that part of the commercial orchard to the west would be traditionally managed to improve their ecological value. However, it has not been adequately demonstrated that part of the modern commercial orchard is suitable to be managed in this way, and it is unclear whether it could adequately replace the priority habitat. Therefore, at this stage and notwithstanding details which may be submitted by way of planning conditions or at the reserved matters stage, the development has not been designed to minimise the loss involved and I am not satisfied that the compensatory measures would be adequate.

38. Although I have found no apparent harm in relation to hedgerows, the loss of the traditional orchard would cause harm to a priority habitat and impact species within the site. There would be conflict with MLP Policy BNE37 and the Framework which seeks to protect sites of biodiversity.

Highway safety

39. The Council's concern relates to the proposed access from the eastern part of the site. Whilst the northern splay would not meet the required site line for the design speed for this section of road, it would only be marginally under the required speed. Therefore, given that this would be a lightly trafficked lane, I see little reason why the shortfall should pose a risk to highway safety. There may be concerns regarding the location of the site and its access by means other than by private vehicle but there is little to suggest that there would be a risk to pedestrian safety as occupants could choose to travel by other means.
40. I therefore find that the proposal would have no harmful effect on highway and pedestrian safety. It would comply with MLP Policies T1, T2 and T13 which seek to protect highway and pedestrian safety, and the Framework which requires safe and suitable access for all users.

Other Matters

41. The appellant has referred to several nearby approved developments to help justify the appeal scheme. However, in each case limited background information or site context has been provided to allow me to draw meaningful comparisons. I can only therefore make brief observations. At Land East of Rainham Pumping Station and North of Lower Rainham Road², the appellant suggests that the Council considered that this site, which is relatively close to this appeal site and linked by a pavement, was in a sustainable location. It would appear that this site was more closely integrated with existing residential development and was closer to shops and services. In relation to the site at 506 Lower Rainham Road³, it would appear that, despite its location in the ALLI and within the conservation area, this site had held permission for some time. It was considered by the Council to be a natural extension of the existing settlement. Similarly, a site alongside at Holy Name Church, which the appellant suggests has been found suitable as part of the Strategic Land Availability Assessment, would also appear to be a continuation of the built form. There is limited information to be able to make any assessment regarding landscape character or heritage setting.

² Ref. APP/A2280/W/23/3323335

³ Ref. MC/19/0324

42. At Land off Lower Rainham Road⁴, it appears that, although the site may have been outside the development boundary and within the ALLI, the site adjoins larger areas of recent residential development and is closer to shops and services. It also appears that the Council was satisfied that the effects could be mitigated by landscaping. I am not satisfied that this would be the case with the appeal scheme before me. Similarly, at Land south of Lower Rainham Road⁵, the Council may have been satisfied that the impact on the ALLI could be limited by new landscaping, but the level of information makes it difficult to draw comparisons.
43. Considering all these developments, and the documentation provided, they do not persuade me that they are comparable to the appeal proposal before me. It may be that built development is spreading towards the appeal site but that still does not appear to make the appeal site any more accessible or would address other concerns that I have raised. I attach these sites and the related decisions limited weight in support of the present scheme.

Planning Agreement

44. The agreement sets out obligations including in respect of affordable housing, education, health, cultural well-being and heritage, transport provision and habitats. In terms of these obligations, the appeal has been accompanied by statements from the Council which set out the requirements for each and the links to relevant policies. The justification for each obligation, as well as the level of contribution, is well made.
45. Setting aside the requirements in relation to the North Kent Marshes SPA/Ramsar Sites, which I address below, I am satisfied that, each planning obligation either alone or in combination is necessary to make the development acceptable in planning terms, is directly related to the development and is fairly and reasonably related to the scale and kind of the development. The planning obligations would meet with the requirements of the Community Infrastructure Levy 2010, and I attach them full weight.
46. Regarding habitats, the Council has stated that the appeal site is located within 6km of the North Kent Marshes SPA/Ramsar Sites, and that the proposed development is likely to have a significant effect, either alone or in-combination, on these sites from recreational disturbance on the over-wintering bird interest. The Conservation of Habitats and Species Regulations 2017 (as amended) requires the decision maker to undertake an Appropriate Assessment (AA) where there are likely significant effects from the proposal, either alone or in combination with other plans or projects. However, regulation 63(1) indicates the requirement for an AA is only necessary where the competent authority is minded to give consent for the proposal. Therefore, whilst I recognise that the agreement makes provision for a mitigation payment, as I am dismissing the appeal, it has not been necessary to address this in any further detail.

Planning Balance

47. The Council accepts that it does not currently have a Framework compliant housing land supply. The appellant suggests that this is circa.3.3 years, a figure not contested by the Council. This is a fairly substantial shortfall and could trigger

⁴ Ref. MC/20/1800

⁵ Ref. MC/22/1474

the presumption in favour of development as set out in paragraph 11d) of the Framework. This indicates that permission should be granted unless the application of policies in the Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed.

48. Footnote 7 of the Framework identifies designated heritage assets as assets of particular importance. I have found that the harm to designated heritage assets would not be outweighed by the public benefits, and this provides a strong reason for refusing the development. Consequently, this disengages the presumption in favour of sustainable development as set out in paragraph 11d) and the scheme should be determined under a normal planning balance.
49. The appellant suggests that Policy BNE25 should be given reduced weight due to the lack of housing land supply. However, I find that for the purposes of this appeal this policy requirement to maintain/enhance the character, amenity and functioning of the countryside, and to seek access by a range of transport modes chimes with the environmental objectives of the Framework. In these regards, I find the policy largely compliant with the Framework. I also find that the general landscape objectives of Policy BNE34 are broadly in line with the Framework which seeks to protect and enhance the natural and local environment including valued landscapes.
50. I have already noted above the public benefits of the appeal scheme, including the provision of up to 21 dwellings and the delivery of a policy compliant level of affordable housing, which are important considerations given the shortfall in housing land supply. The range of market and affordable housing would be particularly beneficial at this time of pressing need. However, I have concluded that the overall moderate weight that I attribute to the public benefits, and other suggested benefits, would be insufficient to outweigh the level of harm to the designated heritage assets, to which I attach great weight.
51. Therefore, for the above reasons, I conclude that the proposal would have a significantly harmful effect on designated heritage assets. Although I have found no harm in relation to highway safety, I have also found that the site would not be a suitable location in relation to the development plan strategy and access to services and facilities, harm to the character and appearance of the area, and harm to the ecology of the site. These are matters that weigh heavily against the scheme.
52. Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. Overall, the cumulative benefits of the proposed development, which include the matters I have highlighted above, are clearly worthwhile but nevertheless overall carry moderate weight in favour of the scheme. However, these benefits would not be of sufficient magnitude to outweigh the harm and related policy conflicts that I have identified. That harm would be very significant and permanent and such that the scheme would not be in accordance with the development plan when considered as a whole.

Conclusion

53. For the above reasons, and having taken all other matters raised into account, there are no material considerations that indicate that the proposal should be

determined otherwise than in accordance with the development plan. I therefore conclude that the appeal should be dismissed.

G Bayliss

INSPECTOR

Richborough