

17 July 2025

Mr Patrick Durr
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NOTIFICATION OF DECISION OF THE LOCAL PLANNING AUTHORITY: Town and Country Planning Act 1990 (as amended)

Case Reference **PA/2024/2321**

Site Address **Former Grain Store, Great Chilmington Farmhouse, Chilmington Green Lane, Chilmington Green, Great Chart, Ashford**

Proposal **Erection of dwelling with garage and associated development following demolition of former grain store.**

DECISION: PLANNING PERMISSION IS GRANTED in accordance with the application and plans subject to the following conditions:

Conditions:

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this decision.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

Description	Date
Proposed Garage - GS2024/07	16 December 2024
Proposed Site Plan - GS2024/01	16 December 2024
Proposed Landscape Plan - PJC.1357.001	16 December 2024
Location Plan Drwg GS 2024.02	21 December 2024
Proposed Elevations - Drwg GS 2023.04 A	6 May 2025
Proposed Floor Plans - Drwg GS 2023.03B	6 May 2025

Reason: For the avoidance of doubt and in the interests of proper planning.

- 3 The development shall be carried out in accordance with the details of external materials specified in the application which shall not be varied.

Reason: In the interests of the visual amenity of the locality.

- 4 The garage shown on drawing number (GS2024/01, received on 16/12/2024) shall be kept available at all times for vehicle parking. No development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order), shall be carried out on the land shown or in such a position as to prevent the use of the garage for parking.

Reason: Development without the provision of adequate vehicle parking space is likely to lead to parking inconvenient to other road users.

- 5 Prior to their installation, details of any walls and fences to be erected within the development shall be submitted to and approved in writing by the Local Planning Authority. The walls and fences shall then be erected in accordance with the approved details, unless previously agreed in writing by the Local Planning Authority.

Reason: In the interests of the amenity of the area.

- 6 From the commencement of works (including site clearance), to avoid impacts to protected and priority species, the following precautionary mitigation should be implemented:

1. Any hedgerows and trees to be retained, including their roots, will be protected from damage;
2. All temporarily stored building materials (that might act as temporary resting places) will be isolated within hardstanding areas and raised off the ground, e.g. on pallets.
3. Any work to vegetation/structures that may provide suitable bird nesting habitats should be carried out outside of the bird breeding season (1st March to 31st August inclusive) to avoid destroying or damaging bird nests in use or being built. If, within the breeding bird season, a survey by a suitably qualified person needs to be conducted to confirm absence, prior to commencing works
4. If at any time a protected species is discovered within the works area, all works must stop while a suitably qualified ecologist and/or Natural England are consulted. Works will not resume until any required surveys and/or mitigation are completed. The works shall be carried out in accordance with the approved details for the full duration of the construction period.

Reason: To protect habitats and species from adverse impacts during construction

- 7 Prior to the installation of any external lighting, the following details shall be submitted (in the form of a lighting plan) to, and approved in writing by, the Local Planning Authority;

- A plan showing the location of lighting and light spill
- Confirmation that the lighting would be downward facing
- Confirmation that the lighting would be on a motion sensor (where possible)
- Confirmation that the lighting would follow the recommendations within Bat Conservation Trust/Institute of Lighting Professionals 'Guidance Note 08/23 Bats and Artificial Lighting at Night'

Reason: In the interests of preserving the protected species, in accordance with policy

ENV1.

- 8 The development hereby approved shall be carried out in full accordance with the Habitat Management and Monitoring Plan (HMMP) prepared by Corylus Ecology, dated 6 May 2025, including the specified programme of mitigation, habitat creation, management, and monitoring measures contained therein. The site shall thereafter be managed and maintained in accordance with the approved HMMP for the duration of the plan or for a minimum period of 30 years following the completion of the development, whichever is the longer. Any proposed amendments to the approved HMMP shall be submitted to and approved in writing by the Local Planning Authority prior to their implementation.

Reason: To secure the long-term protection, enhancement, and measurable net gain of biodiversity in accordance with the approved HMMP and the requirements of Paragraph 181 of the National Planning Policy Framework (December 2024).

- 9 Prior to first occupation, or within three months of the completion of the development (whichever occurs first), the habitat creation and enhancement works must be fully completed in accordance with the approved Biodiversity Gain Plan; and written documentary evidence, in the form of a BNG Completion Notice, must be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the approved habitat creation and enhancement works are delivered in accordance with the approved Biodiversity Gain Plan, and that the biodiversity gain objective of 10% has been achieved.

- 10 Prior to the commencement of development, excluding the removal of existing hardstanding to facilitate archaeological trenching, and non-intrusive above-ground site clearance (but not including demolition of the existing building), the applicant or their agents or successors in title shall secure the implementation of:

i) a programme of further archaeological investigation, recording and reporting as informed by the approved evaluation, carried out in accordance with a written specification and timetable which shall first have been submitted to and approved in writing by the Local Planning Authority; and

ii) programme of post excavation assessment and publication.

For the avoidance of doubt, the evaluation trenching is to be undertaken in accordance with the approved WSI (prepared by SWAT Archaeology, received on 16 December 2024), while any further archaeological work arising from the evaluation will be subject to a separate written specification for approval, as required by part (i) of the condition.

Reason: To ensure that features of archaeological interest are properly examined, recorded, reported and disseminated

- 11 The development hereby approved shall be designed, implemented, and maintained in accordance with the principles of sustainable drainage (SuDS) as outlined in the Non-Statutory Technical Standards for Sustainable Drainage Systems (Defra, 2015) and the SuDS Manual (CIRIA C753), unless otherwise agreed in writing by the Local Planning Authority. The drainage system shall be designed to manage surface water runoff on-site, to reduce flood risk, improve water quality, and enhance biodiversity where possible, and shall be retained and maintained in accordance with the agreed principles for the lifetime of the development.

Reason: To ensure that surface water arising from the development is managed in a sustainable manner to minimise the risk of flooding both on-site and off-site, improve water quality, and contribute to wider environmental benefits, in accordance with the requirements of the National Planning Policy Framework and Policy ENV9 of the Ashford Local Plan 2030.

- 12 No building hereby approved shall be occupied until the foul sewage disposal works serving that building have been completed and are fully operational, in compliance with the relevant requirements of the Building Regulations and, where applicable, the treated effluent discharge standards set by the Environment Agency. The approved system shall thereafter be retained and maintained to ensure effective operation for the lifetime of the development.

Reason: To ensure that adequate foul drainage facilities are in place to avoid pollution of the water environment and surrounding land, in the interests of public health and environmental protection, in accordance with the National Planning Policy Framework and Policy ENV9 of the Ashford Local Plan 2030.

- 13 Part 1
If unexpected contamination is found at any time when carrying out the approved development it must be reported in writing to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Part 2.

Part 2

Following completion of the remediation scheme a verification report that demonstrates the effectiveness of the remediation carried out must be prepared and submitted for approval in writing by the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. We note the potential for external lighting impacts on the amenity of nearby neighbouring properties, and would request the application of the following condition to ensure that lighting levels do not exceed acceptable levels;

- 14 Light trespass from external lighting into the windows of any sensitive premises (e.g. residential properties, hospitals) shall not have a Vertical Luminance greater than 5 Lux.

Reason: In the interests of the amenities of neighbouring light-sensitive development

- 15 Prior to the first occupation of the dwelling hereby approved, at least 1 electric vehicle charging point shall be provided. All Electric Vehicle charger points shall be provided to Mode 3 standard (providing up to 7kw) and SMART (enabling Wifi connection). The charging point shall thereafter be retained available, in a working order for the charging of electric vehicles. Approved models are shown on the Office for Low Emission Vehicles Homecharge Scheme approved chargepoint model list:
<https://www.gov.uk/government/publications/electric-vehicle-homecharge-schemeapproved-chargepoint-model-list>.

Reason: To take into account the cumulative impacts of development on air quality and to encourage the use of sustainable transport modes including incorporation of facilities

for charging plug-in vehicles.

- 16 Prior to the first occupation of the dwelling hereby approved, covered and secure space for the storage of 2no. bicycles shall be provided and retained thereafter.

Reason: To ensure the provision and retention of adequate off-street parking facilities for bicycles in the interests of highway safety.

- 17 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, no development shall be carried out within Classes A, B & E of Part 1 and Class A of Part 2 of Schedule 2 of that Order or any Order revoking and reenacting that Order.

Reason: In order to protect the visual amenity of the locality to to protect the residential amenity of the occupiers of neighbouring properties.

- 18 The bin storage shall be provided before the dwelling hereby approved is first occupied and shall thereafter be kept available for its approved purpose at all times.

Reason: To ensure satisfactory provision of on-site storage for refuse/recycling facilities.

Informatives:

- In accordance with paragraph 39 of the NPPF, Ashford Borough Council (ABC) takes a positive and proactive approach to development proposals focused on solutions.

ABC works with applicants/agents in a positive and proactive manner by;

- offering a pre-application advice service,
- as appropriate updating applicants/agents of any issues that may arise in the processing of their application,
- where possible suggesting solutions to secure a successful outcome,
- informing applicants/agents of any likely recommendation of refusal prior to a decision.

In this instance, the applicant responded to initial concerns by providing further information in support of the application. The application was thereafter approved.

EPINF Construction

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The applicant should note the code of practice hours in relation to potentially noisy construction/demolition activities which are 0800-1800 Monday to Friday, and 0800-1300 hours Saturday. Noisy works should not, in general, occur outside of these times, on Sundays or Bank/Public Holidays.

In addition, the applicant should note that it is illegal to burn any controlled wastes, which includes all waste except green waste/vegetation cut down on the site where it can be burnt without causing a nuisance to neighbouring properties.

Finally, the applicant should take such measures as reasonably practical to minimise dust emissions from construction and demolition activities and for that purpose would refer them to the IAQM guidance on controlling dust on construction sites.

Biodiversity Net Gain

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition “(the biodiversity gain condition)” that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission, would be Ashford Borough Council.

There are statutory exemptions which mean that the biodiversity gain condition does not always apply and these are set out in The Biodiversity Gain Requirements Exemptions Regulations 2024.

This permission will require the approval of a Biodiversity Gain Plan before development is begun because none of the statutory exemptions or transitional arrangements are considered to apply.

For a template and guidance on the contents of the Biodiversity Gain Plan that must be submitted and agreed by the Council prior to the commencement of the approved development please follow the link: [Submit a biodiversity gain plan - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/submit-a-biodiversity-gain-plan)

Applicants will need to ensure that the Biodiversity Gain Plan to be submitted to the local planning authority for approvals is prepared in general conformity with the approved habitat plans.

The effect of section 73D of the Town and Country Planning Act 1990

If planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 (application to develop land without compliance with conditions previously attached) and a Biodiversity Gain Plan was approved in relation to the previous planning permission (“the earlier Biodiversity Gain Plan”) there are circumstances when the earlier Biodiversity Gain Plan is regarded as approved for the purpose of discharging the biodiversity gain condition subject to which the section 73 planning permission is granted.

Those circumstances are that the conditions subject to which the section 73 permission is granted:

- i) do not affect the post-development value of the onsite habitat as specified in the earlier Biodiversity Gain Plan, and
- ii) in the case of planning permission for a development where all or any part of the onsite habitat is irreplaceable habitat the conditions do not change the effect of the development on the biodiversity of that onsite habitat (including any arrangements made to compensate for any such effect) as specified in the earlier Biodiversity Gain Plan.

The applicant is reminded of the need for the development to satisfy the requirements of the Building Regulations and in respect of climate change in particular the following documents:

- Approved Document L (Conservation of fuel and power)
- Approved Document F (Ventilation)

- Approved Document O (overheating)
- Approved Document S (Infrastructure for electric charging vehicles)

Signed



Simon Cole
Assistant Director - Planning and Development

Important Notes

1 Limitation of Permission

This decision is for planning purposes only and for no other purpose including Building Regulations. Separate approval may be required for these works.

Advice is available from the Building Control Section - 01233 330282 Email building.control@ashford.gov.uk

Where plans for the erection or extension of a building are submitted for Building Regulations approval, Section 53 of the County of Kent Act 1981 requires that the Plans are rejected unless they show;

- adequate means of access for the Fire Brigade to the building or buildings as extended and;
- that the building and extension will not render inadequate, existing means of access for the Fire Brigade to a neighbouring building.

The Fire Prevention Officer can be contacted at Ashford Fire Station Henwood, Ashford, Kent TN24 8YF

This grant of planning permission does not give any legal right to carry out the development on, over or under the land of another person or contrary to the rights of any such person. If there is any doubt the applicant should seek his/her own independent legal advice before implementing the planning permission. Your attention is also drawn to the Party Walls Act

2 Appeals to the Secretary of State

If you are unhappy with the disclosed Decision to grant permission subject to conditions, you may appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

Details of how to appeal can be obtained from the Planning Inspectorate, Customer Support Unit, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN or via their website at <https://www.gov.uk/government/publications/planning-appeals-procedural-guide>

3 Beneficial Use

If permission to develop land is granted subject to conditions, whether by the Borough Council or by the Secretary of State and you, as owner of the land, claim that it has become incapable of reasonable beneficial use, you may serve on the Borough Council a Purchase Notice requiring the Borough Council to purchase your interest in the land in accordance with the provision of Part IV of the Town and Country Planning Act 1990.

Before following this course of action it is suggested that you seek the advice of a Planning Consultant or a Solicitor.

4 **Discharging of Conditions**

Some conditions attached to the grant of permission may require you to submit details and/or information before you start work. The necessary forms can be found on the Council's website. Please note that we aim to deal with these requests within 8 weeks.

There is a fee for 'Approval of details reserved by a condition'. These fees are set by Government and the current level can be found at

<https://1app.planningportal.co.uk/FeeCalculator/Standalone?region=1>