



Mr R Hawkes & Mrs L Alexander
C/O Dha Planning Ltd
FAO Mr Matthew Garvey
Eclipse House
Eclipse Park
Sittingbourne Road
Maidstone
ME14 3EN

16 October 2020

PLANNING DECISION NOTICE

APPLICANT:	Mr R Hawkes & Mrs L Alexander
DEVELOPMENT TYPE:	Minor Dwellings
APPLICATION REFERENCE:	20/502018/FULL
PROPOSAL:	Demolition of existing barns and erection of five dwellings, with associated parking, amenity space and landscaping.
ADDRESS:	Four Oaks Farm, Four Oaks Road, Headcorn, Ashford, Kent, TN27 9PB

The Council hereby **GRANTS** permission/consent for the proposal referred to above subject to the following Condition(s):

- (1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission;

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

MKPS – Working in Partnership with: Maidstone Borough Council

Please Note: All planning related correspondence for MBC should be sent to:

Mid Kent Planning Support, Maidstone House, King Street, Maidstone ME15 6JQ

Email: planningsupport@midkent.gov.uk

Access planning services online at: www.maidstone.gov.uk; or submit an application via www.planningportal.co.uk

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

14140/01B, 14140/11C, 14140/20A, 14140/21A, 14140/22A, 14140/23A, 14140/24A, 14140/25, 14140/26, 14140/27, 14140/28, 14140/29, 14140/30, 14140/31A

Reason: To clarify which plans have been approved.

- (3) The development shall be carried out in accordance with the surface materials shown on drawing no. 14140/11C (gravel and resin bound gravel).

Reason: To ensure a satisfactory appearance to the development.

- (4) The development shall be carried out in accordance with the GCN and Reptile Mitigation Strategy and Works Method Statement and Bat Outline Mitigation Strategy within section 5 of the Protected Species Report (13/08/20) and section 5 of the Reptile Mitigation Strategy report (02/09/20).

Reason: To mitigate impacts upon ecology.

- (5) The development hereby approved shall not commence above slab level until, a "lighting design strategy for biodiversity" for the site boundaries has been submitted to and approved in writing by the local planning authority. The lighting strategy shall:

a) Identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory;

b) Show how and where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy and these shall be maintained thereafter in accordance with the strategy.

Reason: To mitigate impacts upon ecology.

- (6) The development hereby approved shall not commence above slab level until, details of ecology enhancements to include bird and bat boxes have been submitted to and approved in writing by the local planning authority and the development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory appearance to the development.

- (7) The development hereby approved shall not commence above slab level until, written details providing adequate information to assess the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the local planning authority and the development

shall be constructed using the approved materials. The materials shall follow those set out in the application and include stock bricks, timber weatherboarding, and clay tiles.

Reason: To ensure a satisfactory appearance to the development.

- (8) The development hereby approved shall not commence above slab level until, details of all fencing, walling and other boundary treatments, have been submitted to and approved in writing by the local planning authority and the development shall be carried out in accordance with the approved details before the first occupation of the building(s) or land and maintained thereafter;

Reason: To ensure a satisfactory appearance to the development and to safeguard the enjoyment of their properties by existing and prospective occupiers.

- (9) The development hereby approved shall not commence above slab level until the precise details of the landscape scheme as shown on drawing no. 14140/11C, which shall be designed in accordance with the principles of the Council's landscape character guidance, has been submitted to and approved in writing by the local planning authority. The scheme shall include a planting specification, programme of implementation and a 5-year management plan.

Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development.

- (10) All planting, seeding and turfing specified in the approved landscape details shall be carried out either before or in the first planting season (October to February) following the occupation of the building(s) or the completion of the development, whichever is the sooner; and seeding or turfing which fails to establish or any trees or plants which, within five years from the first occupation of a property, commencement of use or adoption of land, die or become so seriously damaged or diseased that their long term amenity value has been adversely affected shall be replaced in the next planting season with plants of the same species and size as detailed in the approved landscape scheme unless the local planning authority gives written consent to any variation.

Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development.

- (11) Each dwelling hereby approved shall not be occupied until a minimum of one electric vehicle charging point has been installed at the property, and it shall thereafter be retained for that purpose.

Reason: To promote the reduction of CO2 emissions through the use of low emissions vehicles.

- (12) Before Plot 1 is first occupied, the proposed first floor west facing bathroom window shall be obscure glazed and shall subsequently be maintained as such. Before Plot 2 is first occupied, the proposed first floor west facing bathroom window shall be obscure glazed and shall subsequently be maintained as such.

Reason: To prevent overlooking of adjoining properties and to safeguard the privacy of existing and prospective occupiers.

- (13) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no development within Schedule 2, Part 1, Class(es) A, B, C, and D to that Order shall be carried out without the permission of the local planning authority;

Reason: To safeguard the character and appearance of the dwellings.

- (14) If during construction/demolition works evidence of potential contamination is encountered, works shall cease and the site fully assessed to enable an appropriate remediation plan to be developed. Works shall not re-commence until an appropriate remediation scheme has been submitted to, and approved in writing by, the Local Planning Authority and the remediation has been completed. Upon completion of the building works, this condition shall not be discharged until a closure report has been submitted to and approved in writing by the Local Planning Authority. The closure report shall include details of;

a) Details of any sampling and remediation works conducted and quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology.

b) Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from the site.

c) If no contamination has been discovered during the build then evidence (e.g. photos or letters from site manager) to show that no contamination was discovered should be included.

Reason: In the interest of the protection of human health.

- (15) The approved details of the parking/turning areas including the car barns shall be completed before the commencement of the use of the land or buildings hereby permitted and shall thereafter be kept available for such use. No development, whether permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order, with or without modification) or not, shall be carried out on the areas indicated or in such a position as to preclude vehicular access to them;

Reason: Development without adequate parking/turning provision is likely to lead to parking inconvenient to other road users and in the interests of road safety.

- (16) The development hereby approved shall not commence above slab level until, full details of the following matters have been submitted to and approved in writing by the local planning authority:-

- a) New external joinery in the form of large-scale drawings.
- b) Details of the cowl for the Oast.

The development shall be carried out in accordance with the approved details;

Reason: To ensure an appropriate appearance to the buildings.

Informative(s):

- (1) The granting of planning permission confers no other permission or consent in relation to the PROW and no works can be undertaken on a PROW without the express consent of the Highways Authority.

The Council's approach to this application:

In accordance with paragraph 38 of the National Planning Policy Framework (NPPF), February 2019 the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and creative way by offering a pre-application advice service, where possible, suggesting solutions to secure a successful outcome and as appropriate, updating applicants / agents of any issues that may arise in the processing of their application.

In this instance:

The applicant/agent was advised of minor changes required to the application and these were agreed.

The applicant/agent was provided with formal pre-application advice.

If your decision includes conditions that need to be discharged, please be advised that there is a separate application process to discharge them which includes a fee. For more information on this please visit https://www.planningportal.co.uk/info/200126/applications/60/consent_types/12 and to submit an application for approval of details (discharge conditions) please use this link <https://www.planningportal.co.uk/applications>

R. L. Jarman

Rob Jarman
Head of Planning Services
Maidstone Borough Council

Please be advised that irrespective of whether your proposal requires planning permission or not, it may still require Building Regulation Approval. For more information on this please visit our website

<https://www.maidstone.gov.uk/home/primary-services/planning-and-building/primary-areas/building-control>

IMPORTANT - YOUR ATTENTION IS DRAWN TO THE ATTACHED NOTES

NOTIFICATION TO APPLICANT FOLLOWING REFUSAL OF PERMISSION OR GRANT OF PERMISSION SUBJECT TO CONDITIONS

This decision does not give approval or consent that may be required under any act, bylaw, order or regulation other than Section 57 of the Town and Country Planning Act 1990.

Appeals to the Secretary of State

If you are aggrieved by the decision of your local planning authority (LPA) to refuse permission for the proposed development, or to grant it subject to Conditions, then you can appeal to the Secretary of State (SoS) under Section 78 of the Town and Country Planning Act 1990. **Please see “Development Type” on page 1 of the decision notice to identify which type of appeal is relevant.**

- If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice and if you want to appeal against the LPA's decision on your application, then you must do so within **28 days** of the date of this notice.
- If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against the LPA's decision on your application, then you must do so within **28 days** of the date of service of the enforcement notice, or within **6 months [12 weeks** in the case of a **householder** or **minor commercial** application decision] of the date of this notice, whichever period expires earlier.
- If this is a decision to refuse planning permission for a **Householder** application or a **Minor Commercial** application and you want to appeal the LPA's decision, or any of the conditions imposed, then you must do so within **12 weeks** of the date of this notice.
- In all other cases, you will need to submit your appeal against the LPA's decision, or any of the conditions imposed, within **6 months** of the date of this notice.

Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>.

If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority (planningappeals@midkent.gov.uk) and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. [Further details are on GOV.UK.](#)

The SoS can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The SoS need not consider an appeal if it seems to the SoS that the LPA could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.