

**TOWN AND COUNTRY PLANNING ACT 1990**

*Notification of Grant of Planning Permission to Develop Land*

Mr & Mrs David Westgarth  
C/o Mr Jonathan Moore Lambe  
Lambe Planning And Design Ltd  
The Galeri  
Victoria Dock  
Caernarfon  
Gwynedd  
LL54 5EE

Take notice that Folkestone & Hythe District Council, the Local Planning Authority under the Town and Country Planning Acts has **GRANTED PERMISSION** for the development of land

**situate at:** **LITTLE DENSOLE FARM CANTERBURY ROAD DENSOLE KENT**

**and being:** **SITING OF 12 HOLIDAY LODGES, AND ERECTION OF A RECEPTION BUILDING AND A STORE BUILDING, TOGETHER WITH FORMATION OF A FISHING LAKE, A CAR PARK AREA, TENNIS COURTS, A CHILDREN'S PLAY AREA, AND A PUTTING GREEN, TO CREATE A TOURISM SITE.**

referred to in your application for permission for development received on 10th June 2016.

This Approval is subject to the following conditions:

**CONDITIONS**

- 1 The development must be begun within three years of the date of this permission.

Reason:

As required by Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 No development shall take place until samples of the materials to be used in the construction of the external surfaces and details of the external finishes of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Surfaces should be non-reflective with a matt finish, including flues. The development shall be carried out in accordance with the approved details.

Reason:

To ensure the satisfactory appearance of the completed development and in the interests of visual amenity in accordance with saved policies CO1 and CO4 of the Shepway District Local Plan Review and CSD4 of the Core Strategy.

- 3 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers LP2.0, 2147/001, 2147/002, 471/02, 471/03, 471/04, 471/05, 471/06, 471/07, 471/08, 471/09, 471/10, 471/11, 471/15, 471/16, 471/17, 471/18, 471/19, 471/21, 471/22, 471/23 (Mower Store), 471/23 (Reception), 471/24, 471/26, and 471/27.

Reason:

For the avoidance of doubt and in order to ensure the satisfactory implementation of the development in accordance with the aims of saved policy SD1 of the Shepway District Local Plan Review.

- 4 The vehicle parking and turning areas shown on the approved plans shall be provided prior to the first occupation of the first holiday let hereby approved and shall be kept available for parking and servicing purposes in connection with the development hereby approved at all times with no obstruction.

Reason:

To ensure the permanent retention of the space for parking purposes within the site in order to avoid obstruction of the highway and safeguard the amenities of adjacent properties in accordance with saved policies TR12 and SD1 of the Shepway District Local Plan Review.

- 5 No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority including an implementation programme and maintenance schedule. The details submitted shall include indications of all existing trees, shrubs and hedgerows on the land and details of any to be retained together with measures for their protection in the course of development. Plants shall be of local provenance or at least of British origin to safeguard the integrity and biodiversity of the AONB landscape. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the first use of the development hereby permitted or in accordance with a programme first agreed with the Local Planning Authority. The soft landscape works shall be maintained in accordance with the agreed maintenance schedule which shall be for a minimum period of 15 years in order to achieve the mitigation as outlined within the submitted LVIA.

Reason:

In recognition of planning permission being granted on the basis of the long-term mitigation the landscaping would provide in conserving and enhancing the character and scenic beauty of the AONB, in accordance with saved policies SD1 and BE16 of the Shepway District Local Plan Review and Core Strategy policy CSD4 and paragraph 115 of the NPPF.

- 6 Prior to the commencement of works, all hedgerows and trees to be retained within the proposed development should be protected during construction in line with standard arboriculture best practice (8S5837:2012) unless otherwise previously agreed in writing with the Local Planning Authority.

Reason:

In recognition of planning permission being granted on the basis of the long-term mitigation the landscaping would provide in conserving and enhancing the character and scenic beauty of the AONB, in accordance with saved policies SD1 and BE16 of the Shepway District Local Plan Review and Core Strategy policy CSD4 and paragraph 115 of the NPPF.

- 7 1. Prior to commencement of the development a desk top study shall be undertaken and submitted to and approved in writing by the Local Planning Authority. The study shall include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses and any other relevant information. Using this information, a diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors shall also be included.

2. If a desk top study shows that further investigation is necessary, an investigation and risk assessment shall be undertaken by competent persons and a written report of the findings shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development. It shall include an assessment of the nature and extent of any contamination on the site, whether or not it originates on the site. The report of the findings shall include

- A survey of the extent, scale and nature of contamination
- An assessment of the potential risks to
  - Human health
  - Property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
  - Adjoining land,
  - Ground waters and surface waters,
  - Ecological systems,
  - Archaeological sites and ancient monuments and

- An appraisal of remedial options and identification of the preferred option(s).

All work pursuant to this Condition shall be conducted in accordance with the DEFRA and Environment Agency document Model Procedures for the Management of Land Contamination (Contamination Report 11).

3. If investigation and risk assessment shows that remediation is necessary, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development. The scheme shall include details of all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works, site management procedures and a verification plan. The scheme shall ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The approved remediation scheme shall be carried out in accordance with the approved terms including the timetable, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority shall be given two weeks written notification of commencement of the remediation scheme works.

4. Prior to commencement of development, a verification report demonstrating completion of the works set out in the approved remediation scheme and the effectiveness of the remediation shall be submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include details of longer-term monitoring of pollutant linkages and maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority.

5. In the event that, at any time while the development is being carried out, contamination is found that was not previously identified, it shall be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall be undertaken and where remediation is necessary a remediation scheme shall be prepared. The results shall be submitted to the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report shall be prepared and submitted to the Local Planning Authority.

Reason:

To protect the environment and human health against contamination and pollution, in accordance with saved Local Plan Review policies SD1 and U10a and the NPPF.

- 8 The owners shall maintain an up-to-date register of all the occupiers of the holiday let accommodation, including dates of occupancy and of their main home addresses, and shall make this information available at all reasonable times to the Local Planning Authority.

Reason:

In order that the Local Planning Authority can reasonably monitor the use and occupation of the buildings in accordance with saved policy TM4 of the Shepway District Local Plan Review, policy CSD3 of the Shepway Core Strategy and policy E3 of the emerging Places and Policies Local Plan.

- 9 The holiday accommodation hereby permitted shall only be occupied as short let holiday units and shall not be occupied by any one person or group of persons for more than 4 weeks in any 3 month period.

Reason:

In accordance with the business plan submitted with the application which demonstrated the benefits short-term visitors would have on the local economy, to justify the departure from Core Strategy policy CSD3. In addition the use of the accommodation hereby permitted as permanent independent dwellings would be inappropriate in this sensitive rural location and contrary to saved policies SD1 and CO1 of the Shepway District Local Plan Review and policies SS3 and CSD4 of the Shepway Core Strategy.

- 10 Notwithstanding the approved details, prior to the installation of any external lights a revised lighting plan shall be submitted to and approved in writing by the Local Planning Authority amending the existing lighting plan to reduce the number of units on the driveway, to incorporate baffles to prevent upward emission of light, and to indicate that the lighting shall not to be left on all night and shall be controlled by motion sensors. The only lighting that shall then be installed shall be in accordance with the details agreed by this condition. No other external lighting shall be installed thereafter without the prior written approval of the Local Planning Authority

Reason:

In order to mitigate the impact on the night sky to conserve the dark skies characteristic of the AONB and reduce light pollution, in accordance with saved policies CO1 and U15 of the Shepway District Local Plan Review and Core Strategy policy CSD4.

- 11 Visibility splays shall be provided 115 metres (north) x 2.4 metres x 130 metres (south) at the access to the site hereby permitted with no obstructions over 1.05 metres above carriageway level within the splays, prior to the first use of the holiday site hereby permitted commencing, and shall be maintained as such thereafter.

Reason:

To secure adequate visibility for vehicles entering or leaving the site in the interests of highway safety in accordance with saved policy TR11 of the Shepway District Local Plan Review.

- 12 Prior to works commencing on site (which shall be taken to include any site clearance or stripping of soil) a Construction Method Statement with details of vehicle loading/unloading and turning facilities, parking for site personnel and visitors, and wheel washing facilities, shall be submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be provided prior to the commencement of the development and thereafter shall be provided and retained throughout the construction of the development.

Reason:

In the interests of local amenity in accordance with saved policies SD1 and TR12 of the Shepway District Local Plan Review.

- 13 Bicycle and bin storage as shown on the approved plans (including 471/22) shall be provided prior to the first use of the site hereby permitted, and shall be retained as such thereafter.

Reason:

To ensure that facilities are available for the parking of bicycles and bin storage.

- 14 The car parking facilities and turning areas indicated on the approved plans shall be laid out and suitably surfaced before the buildings hereby permitted first come into use and shall thereafter be maintained in a useable state for occupiers and visitors to the site at all times.

Reason:

To ensure the retention of loading, unloading, turning and car parking areas to safeguard the amenities of adjoining areas in accordance with saved policies SD1, TR11 and TR12 of the Shepway District Local Plan Review.

- 15 Construction shall not commence until written documentary evidence has been submitted to, and approved in writing by, the local planning authority proving the development will achieve a maximum water use of 110 litres per person per day as defined in paragraph 36(2)(b) of the Building Regulations 2010 (as amended). Such evidence shall be in the form of a design stage water efficiency calculator.

The development hereby permitted shall not be occupied until written documentary evidence has been submitted to, and approved by, the local planning authority, proving that the development has achieved a maximum water use of 110 litres per person per day as defined in paragraph 36(2)(b) of the Building Regulations 2010 (as amended). Such evidence shall be in the form of a post-construction stage water efficiency calculator.

Reason

In accordance with the requirements of policies CSD5 and SS3 of the Shepway Core Strategy Local Plan 2013 which identify Shepway as a water scarcity area and require all new dwellings to incorporate water efficiency measures.

Water efficiency calculations should be carried out using 'the water efficiency calculator for new dwellings' <https://www.gov.uk/government/publications/the-water-efficiency-calculator-for-new-dwellings>

- 16 Prior to the commencement of the development hereby permitted details of measures to ensure the holiday park will be fully accessible and inclusive and suitable for all members of the community, including disabled visitors, shall be submitted to and approved in writing by the Local Planning Authority. The measures shall include provision to meet M4(3): Category 3 - Wheelchair user dwellings of building regulations. Thereafter the measures shall be provided in accordance with the approved details prior to the first use of the site, and shall be maintained in a useable state at all times the site is operational as a holiday park.

Reason:

In recognition of the benefits that a fully accessible and inclusive facility would provide for the local tourism offer and to justify the departure from Core Strategy policy CSD3 and in accordance with paragraph 57 of the NPPF.

- 17 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the type of boundary treatment to be erected to prevent access to Reinden Wood. The boundary treatment shall be completed before the buildings hereby permitted are first used or in accordance with a timetable previously agreed in writing with the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason:

To protect the Ancient Woodland in accordance with Core Strategy policy CSD4.

- 18 No development shall take place until full details of a biodiversity enhancement scheme have been submitted to and approved in writing by the Local Planning Authority including an implementation programme and maintenance schedule. The details submitted shall incorporate features which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The enhancement measures will include those outlined in the Landscape and Ecology Management Plan (Pure Ecology, 2016) and will include locations, details and any necessary management (Ecological Management Plan). The enhancement scheme shall be carried out in accordance with the approved details. The enhancement scheme shall be carried out prior to the first use of any part of the development or in accordance with the programme agreed with the Local Planning Authority. The approved details will be retained and managed thereafter in accordance with the approved details.

Reason:

In order to enhance the biodiversity of the area in accordance with saved policy SD1 Shepway District Local Plan.

- 19 Prior to the works hereby permitted commencing on site a Badger survey, to include a timetable for any mitigation requirements, shall be submitted to the Local Planning Authority in consultation with Natural England and East Kent Badger group for approval in writing. Any measures recommended shall be carried out in accordance with the approved details and in accordance with an agreed timetable.

Reason:

To ensure any impacts to protected species are mitigated.

- 20 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order) (with or without modification) no development falling within Classes A, B, C, D, E, F, G or H of Part 1 of Schedule 2 to the said Order shall be carried out without the prior consent in writing of the Local Planning Authority.

Reason:

To enable the Local Planning Authority to retain control over future development given the sensitive nature of the site in accordance with Core Strategy policy CSD4.

- 21 A site management plan, including management responsibilities, measures to protect access to Reinden Wood, and to protect the amenity of local residents shall be submitted to and approved in writing by the Local Planning Authority prior to the first use of the site. The management plan shall be carried out in accordance with the approved details, and the recommendations within the report shall be adhered to at all times the site is operational as a holiday park.

Reason:

In the interests of amenity in accordance with saved policy SD1 of the Shepway District Local Plan Review.

- 22 Works related to the formation of a lake shall not take place until details of the construction and design of the proposed fishing lake have been submitted to and approved in writing by the Local Planning Authority in consultation with the Environment Agency. The development shall then proceed in accordance with the approved details.

Reasons:

This site is located within a Source Protection Zone 3 for a groundwater abstraction used for drinking water supply. It is therefore in a sensitive setting for groundwater protection.

- 23 (a) Development shall not begin until a detailed sustainable surface water drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The detailed drainage scheme shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100yr storm) can be accommodated and disposed of without flood risk on or off-site. Appropriate ground investigation shall be undertaken and submitted to support the detailed drainage scheme. The drainage scheme shall also demonstrate that silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters and that no surface water shall drain to the highway.

(b) No holiday building hereby permitted shall be occupied until details of the implementation, maintenance and management of the agreed sustainable drainage scheme have been submitted to and approved in writing by the Local Planning Authority. Those details shall include:

- i) a timetable for its implementation, and
- ii) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime.

The surface water drainage scheme and the implementation, maintenance and management scheme shall be implemented as agreed and thereafter managed and maintained in accordance with those approved details.

Reason:

To ensure that the principles of sustainable drainage are incorporated into this proposal and to ensure ongoing efficacy of the drainage provisions.

- 24 Prior to the first use of any building hereby approved electrical vehicle charging infrastructure and charging points shall be installed within the proposed car park and made available for use, and shall be retained as such at all times thereafter.

Reason:

To deliver appropriate transport infrastructure to mitigate the impacts of climate change and promote more sustainable methods of travel.

- 25 A travel plan shall be submitted to and approved in writing by the Local Planning Authority prior to the first use of the site as a holiday park detailing measures to encourage sustainable forms of transport to and from the site and minimise the use of private cars. The submitted proposals should include measures to promote local cycling and walking routes and details of on-site bikes and information detailing how local bus services will be promoted. The management plan shall be carried out in accordance with the approved details thereafter unless an alternative scheme is first agreed with the Local Planning Authority. Thereafter the agreed travel plan shall be operational at all times the site is operational as a holiday park.

Reason:

To ensure sustainable modes of transport are encouraged, in pursuance of sustainable tourism principles.

## INFORMATIVES

- 1 The applicant should be aware that
  1. No furniture may be erected on or across Public Rights of Way without the express consent of the Highway Authority:
  2. There must be no disturbance of the surface of the right of way, or obstruction of its use, either during or following any approved development:
  3. There should be no Closeboard Fencing or similar structure over 1.2metres erected which will block out the views:
  4. No hedging or shrubs should be planted within 1.0 metres of the edge of the Public Right of Way.The applicant should also be aware that any planning consent given confers no consent or right to close or divert the public right of way at any time without the express permission of the Highway Authority.
- 2 It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.
- 3 The applicant is advised that if the intention is to abstract water to fill the proposed lake/ pond an Abstraction Licence will be required, if the rates exceed 20m<sup>3</sup>/day. Should this be the case the applicant should contact the Environment Agency Area Groundwater & Hydrology team.

- 4 The following points should be noted wherever infiltration drainage (such as soakaways) is proposed at a site:  
Appropriate pollution prevention methods (such as trapped gullies or interceptors) should be used to prevent hydrocarbons draining to ground from roads, hardstandings and car parks. Clean uncontaminated roof water should drain directly to the system entering after any pollution prevention methods.  
No infiltration system should be sited in or allowed to discharge into made ground, land impacted by contamination or land previously identified as being contaminated. There must be no direct discharge to groundwater, a controlled water. An unsaturated zone must be maintained throughout the year between the base of the system and the water table.  
A series of shallow systems are preferable to systems such as deep bored soakaways, as deep bored soakaways can act as conduits for rapid transport of contaminants to groundwater.
- 5 Contaminated soil that is, or must be disposed of, is waste. Therefore, its handling, transport, treatment and disposal is subject to waste management legislation, which includes:
- o Duty of Care Regulations 1991
  - o Hazardous Waste (England and Wales) Regulations 2005
  - o Environmental Permitting (England and Wales) Regulations 2010
  - o The Waste (England and Wales) Regulations 2011
- Developers should ensure that all contaminated materials are adequately characterised both chemically and physically in line with British Standard BS EN 14899:2005 'Characterization of Waste - Sampling of Waste Materials - Framework for the Preparation and Application of a Sampling Plan' and that the permitting status of any proposed treatment or disposal activity is clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.  
If the total quantity of waste material to be produced at or taken off site is hazardous waste and is 500kg or greater in any 12 month period the developer will need to register with us as a hazardous waste producer. Refer to our website at <https://www.gov.uk/government/organisations/environment-agency> for more information.
- 6 Any facilities for the storage of oils, fuels or chemicals shall be provided with secondary containment that is impermeable to both the oil, fuel or chemical and water, for example a bund, details of which shall be submitted to the local planning authority for approval. The minimum volume of the secondary containment should be at least equivalent to the capacity of the tank plus 10%. If there is more than one tank in the secondary containment the capacity of the containment should be at least the capacity of the largest tank plus 10% or 25% of the total tank capacity, whichever is greatest.  
All fill points, vents, gauges and sight gauge must be located within the secondary containment. The secondary containment shall have no opening used to drain the system. Associated above ground pipework should be protected from accidental damage. Below ground pipework should have no mechanical joints, except at inspection hatches and either leak detection equipment installed or regular leak checks. All fill points and tank vent pipe outlets should be detailed to discharge downwards into the bund.
- 7 The applicant is advised to consult the Environment Agency directly regarding the use of a sewerage treatment plant which disposes of effluent to sub-soil irrigation.

The owner of the premises will need to maintain the works to ensure its long term effectiveness. It may be possible for the flows from the proposed development to be connected to a nearby public sewer, and the applicant may wish to investigate this option.

A formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Southern Water, Sparrowgrove House Sparrowgrove, Otterbourne, Hampshire S021 2SW (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk)

Initial investigations indicate that there are no public surface water sewers in the area to serve this development. Alternative means of draining surface water from this development are required. This should not involve disposal to a public foul sewer.

- 8 Any facilities for the storage of oils, fuels or chemicals shall be provided with secondary containment that is impermeable to both the oil, fuel or chemical and water, for example a bund, details of which shall be submitted to the local planning authority for approval. The minimum volume of the secondary containment should be at least equivalent to the capacity of the tank plus 10%. If there is more than one tank in the secondary containment the capacity of the containment should be at least the capacity of the largest tank plus 10% or 25% of the total tank capacity, whichever is greatest.

All fill points, vents, gauges and sight gauge must be located within the secondary containment. The secondary containment shall have no opening used to drain the system. Associated above ground pipework should be protected from accidental damage. Below ground pipework should have no mechanical joints, except at inspection hatches and either leak detection equipment installed or regular leak checks. All fill points and tank vent pipe outlets should be detailed to discharge downwards into the bund.

- 9 Your attention is drawn to the requirements of the Building Regulations 2000 and the possibility of the need to obtain consent under such regulations.

Prior to implementing this permission, you should seek advice from Building Control as to whether or not to make an application. Advice and application forms are available from the Civic Centre, Folkestone (telephone numbers 01303 853538). Alternatively another building control body may be able to assist.

In accordance with paragraphs 186 and 187 of the National Planning Policy Framework, Shepway District Council, as local planning authority, has taken a positive and proactive approach to the proposed development, focusing on finding solutions:

The application was considered by the Council's Planning & Licensing Committee and the applicant/agent was given the opportunity to speak in support of it.

It was considered by Members that the economic and social benefits that will result from the development carry significant weight and this is supported by paragraph 28 of the National Planning Policy Framework. Members agree with the conclusion of the LVIA submitted with the application that the proposal will cause negligible short term harm and that longer term impacts can be mitigated to an acceptable level, subject to conditions requiring the implementation and long term maintenance of the proposed landscaping scheme and details of lighting to mitigate impact on the night sky. As a result of the proposed landscaping scheme the development will conserve and enhance the AONB character and scenic beauty as required by Core Strategy policy CSD4 and paragraph 115 of the National Planning Policy Framework.

Members consider that the location is sustainable and within a short walking/cycling distance of facilities which will meet needs of holiday makers in that it is close to a main road and bus routes, with a shop and public house nearby and is close to Hawkinge. Members agree with the Officers' report that this does not constitute major development within the AONB as set out in paragraph 116 of the National Planning Policy Framework.

Members conclude that although the development constitutes a departure from Core Strategy policy CSD3, the departure is justified in this instance, as due to the specific nature of this type of tourism accommodation, a rural location in open countryside is necessary. Members consider that the development will provide a fully accessible and inclusive facility and that this is a key feature of sustainable development and is an important material consideration and will be of benefit to all.

On balance Members consider that the limited harm to the AONB can be mitigated, that the development will result in the long term conservation and enhancement of the AONB and will be a sustainable development with significant benefits which warrants granting planning permission.

The development proposed has been considered against the National Planning Policy Framework, Local Plan policy and relevant material planning considerations and it is the view of the Local Planning Authority that planning permission should be granted.

In coming to this decision regard has been had to the following policies:

Shepway District Local Plan Review Saved Policies - SD1, BE1, BE8, BE16, CO1, CO4, CO11, LR3, TM4, TR5, TR11, TR12, U1, U2, U3, U4, U15

Shepway Core Strategy Local Plan - DSD, SS1, SS3, CSD3, CSD4

National Planning Policy Framework - paragraphs 28, 34, 57, 109, 112, 115, 116, 118

National Planning Policy Guidance - guidance on the Natural Environment

Kent Downs AONB Management Plan policies SD1, SD2, SD3, SD8 and LLC1

Note:

You are advised that there may be conditions attached to this permission which require the submission of further details to this Authority before the development hereby approved commences or by other specified periods. Such details must be approved by the Local Planning Authority before development commences, or by any other such period specified.

A fee is payable for the discharge of and compliance with conditions of £116.00 per request or £34.00 if relating to planning permission for extending or altering a dwelling house or other development in the curtilage of and ancillary to a dwelling house. (This does not apply to the discharge of conditions on listed building consents)

Requests must be made in writing and must be on the form Approval of Details Reserved by Condition  
[http://ecab.planningportal.co.uk/uploads/appPDF/L2250Form027\\_england\\_en.pdf](http://ecab.planningportal.co.uk/uploads/appPDF/L2250Form027_england_en.pdf). The statutory period for determining requests is 8 weeks from receipt of a valid request and correct fee. If a decision is not reached within 12 weeks of receipt of a valid submission the fee will be refunded.

Please ensure that all requests for discharge of and compliance with conditions are addressed to the Head of Planning Services and not sent to any other section of the Council and that they are clearly marked with the planning application reference number at the top of this decision notice. Proceeding with the development without obtaining the relevant approvals required by the conditions or not complying with conditions in any other respect may invalidate the permission and may result in the Council serving a Breach of Condition Notice and subsequent prosecution if the Notice is not complied with.



Dated this 2nd day of July 2018

Folkestone & Hythe District Council,  
Civic Centre, Castle Hill Avenue,  
Folkestone, Kent CT20 2QY

Lisette Patching  
Development Management Manager

## **APPEAL GUIDANCE NOTES**

### **Note:**

This permission is confined to permission under the Town and Country Planning Act 1990 (as amended) and does not obviate the necessity for compliance with any enactment, bye-law or other provision whatsoever or of obtaining from the appropriate authority any permission, consent, approval or authorisation which may be required.

## **NOTIFICATION TO APPLICANT**

### **APPEALS TO THE SECRETARY OF STATE**

If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or the grant of it, subject to conditions, then you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990.

If you want to appeal, then you must do so within six months of the date of the notice, using a form which you can get from Initial Appeals, The Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN or online at [www.planningportal.gov.uk/pcs](http://www.planningportal.gov.uk/pcs).

The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State need not consider an appeal if it seems to him that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions it imposed, having regard to the statutory requirements, to the provision of a development order and to any directions given under the order. In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based its decision on a direction given by him.

## **PURCHASE NOTICES**

If either the Local Planning Authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor can he render the land capable of a reasonably beneficial use by the carrying out of any development which had been or would be permitted. In these circumstances, the owner may serve a purchase notice on the District Council in whose area the land is situated. This notice will require the Council to purchase his interests in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.