



G H Dean & Company Limited
C/O Paul Sharpe Associates LLP
FAO Mr Paul Sharpe
24 Beech Lea
Blunsdon
Swindon
SN26 7DE

2 July 2021

PLANNING DECISION NOTICE

APPLICANT:	G H Dean & Company Limited
DEVELOPMENT TYPE:	Large Maj Dwellings
APPLICATION REFERENCE:	18/502372/EIOUT
PROPOSAL:	Outline application for the development of up to 115 dwellings and all necessary supporting infrastructure including emergency access, roads, footpath and cycle links, open space, play areas and landscaping, parking, drainage and all utilities and surface infrastructure works. All detailed matters are reserved for subsequent approval except (a) mitigation of impacts on Great Crested Newts; (b) vehicular access to Grovehurst Road and (c) extraction of brickearth.
ADDRESS:	Land At Great Grovehurst Farm, Grovehurst Road, Sittingbourne, Kent, ME9 8RB

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

MKPS – Working in Partnership with: Swale Borough Council

Please Note: All planning related correspondence for SBC 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.swale.gov.uk or submit an application via www.planningportal.co.uk

- (1) Details relating to the appearance, landscaping, layout and scale (the reserved matters) of the development hereby approved shall be submitted to and approved by the Local Planning Authority before any development is commenced.

Reason: In pursuance of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

- (2) Application for approval of reserved matters referred to in Condition (1) above must be made not later than the expiration of three years beginning with the date on which the Roads Investment Strategy Scheme at M2 J5 is open to the public.

Reason: In pursuance of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

- (3) The development to which this permission relates must be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: In pursuance of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

- (4) The development shall be carried out in accordance with the following approved drawing: 4940-LLB-XX-XX-DR-L-0001, Rev P04 (Great Crested Newt Creation Area).

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

- (5) The details submitted pursuant to condition 1 (the reserved matters) shall show the residential development restricted to the residential areas labelled as 'zone 1, zone 2 and zone 3' on drawing no. 5384/OPA/SK004rC (Land Use and Building Heights Parameter Plan).

Reason: In order to secure a satisfactory form of development having regard to the nature of the site.

- (6) The details submitted pursuant to condition 1 (the reserved matters) shall show the storey heights of the residential development to be in accordance with the details set out on drawing no. 5384/OPA/SK004rC (Land Use and Building Heights Parameter Plan).

Reason: In order to secure a satisfactory form of development having regard to the nature of the site.

- (7) No development related to the residential element of the scheme shall commence until details of the existing site levels (prior to brickearth extraction) and proposed site levels (subsequent to brickearth extraction) have been submitted to and approved in writing by the Local Planning Authority. The details shall show the site levels in the areas provided for Great Crested Newt mitigation (adjacent to Great Grovehurst Farmhouse and the remainder of the southern boundary of the site) on drawing 4940-LLB-XX-XX-DR-L-0001, Rev P04 (Great Crested Newt Creation Area) as being unchanged. The development shall thereafter be carried out in accordance with the approved details.

Reason: In order to protect the setting of the listed building and the amenities of the area.

- (8) The residential development shall be carried out strictly in accordance with details in the form of finished floor levels for all the dwellings which shall firstly have been submitted to and approved in writing by the Local Planning Authority.

Reason: In order to secure a satisfactory form of development having regard to protecting residential amenities and the setting of the listed building.

- (9) The details submitted pursuant to condition 1 (the reserved matters) shall show cross sections through the development and Great Grovehurst Farmhouse along the lines of A-B; A-C and A-D as shown on drawing no. 5384/OPA/SK004rC. The development shall thereafter be carried out in accordance with the approved details.

Reason: In order to protect the setting of the listed building and the amenities of the area.

- (10) The details submitted in pursuant to condition 1 (the reserved matters) shall be in accordance with a Housing Mix Schedule that shall first have been submitted to, and approved in writing by, the Local Planning Authority.

Reason: To ensure that a satisfactory mix of dwelling are provided in accordance with the needs of the local housing market area.

- (11) No development (including brickearth extraction) shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written specification and timetable which has been submitted to and approved by the Local Planning Authority.

Reason: To ensure that features of archaeological interest are properly examined and recorded.

- (12) No dwellings on the development hereby permitted shall be occupied until the opening to the public of a Roads Investment Strategy scheme at M2 Junction 5 (or schemes to the same effect that may be agreed in writing by the local planning authority who shall consult Highways England).

Reason: To ensure that the A249 Trunk Road and M2 Junction 5 continue to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety.

- (13) Prior to the commencement of the residential element of the scheme hereby approved a Construction Management Plan to include the following shall be submitted to and approved in writing by the Local Planning Authority:

- (a) Routing of construction and delivery vehicles
- (b) Parking and turning areas for construction and delivery vehicles and site personnel
- (c) Timing of deliveries
- (d) Provision of wheel washing facilities
- (e) Temporary traffic management / signage
- (f) Any requirements for temporary construction access
- (g) Measures to minimise the production of dust on the site
- (h) Measures to minimise the noise (including vibration) generated by the construction process to include the careful selection of plant and machinery and use of noise mitigation barrier(s)
- (i) Maximum noise levels expected 1 metre from the affected facade of any residential unit adjacent to the site(s)
- (j) Design and provision of site hoardings
- (k) Measures to manage the production of waste and to maximise the re-use of materials
- (l) The location and design of site office(s) and storage compounds

Reason: To ensure that construction of the development does not result in avoidable congestion on the A249 Trunk Road and M2 Junction 5, to ensure that the A249 Trunk Road and M2 Junction 5 continue to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety; and in the interests of highway safety on the local highway network and in the interests of residential amenities.

(14) Prior to the commencement of the development, a Brick Earth Extraction Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The extraction of brick earth shall then be carried out in accordance with the approved Brick Earth Extraction Method Statement and in line with IAMQ's 2016 Mineral Dust Guidance which shall include mitigation measures to minimise any potential impacts and shall include the following where relevant:

- Routing of lorries between the site and the brickworks
- An indicative programme for carrying out the works
- Measures to minimise the production of dust from the site
- Measures to minimise noise (including vibration) generated by the extraction process to include the careful selection of machinery and use of noise mitigation barriers
- Maximum noise levels expected 1m from the affected facade of any residential unit adjacent to the site
- Measures to prevent the transfer of extraneous material onto the public highway
- The location and design of any site administration building or structure.

Reason: In the interests of residential and highway amenity.

15) Prior to the commencement of the residential element of the development hereby approved, a scheme to demonstrate that the internal noise levels within the residential units and the external noise levels in back gardens and other relevant amenity areas will conform to the standard identified by BS 8233 2014, Sound Insulation and Noise Reduction for Buildings - Code of Practice, shall be submitted to and approved in writing by the Local Planning Authority. The work specified in the approved scheme shall then be carried out in accordance with the approved details prior to occupation of the premises and be retained thereafter.

Reason: In the interests of residential amenity.

16) Prior to the commencement of the residential element of the development hereby permitted the following components of a scheme to deal with the risks associated with contamination of the site shall be submitted to and approved, in writing, by the Local Planning Authority:

A Remediation Method Statement (RMS) based on the site investigation results and the detailed risk assessment. This should give full details of the remediation measures required and how they are to be undertaken. The RMS should also include a verification plan to detail the data that will be collected in order to demonstrate that the works set out in the RMS are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

A Closure Report is submitted upon completion of the works. The closure report shall include full verification details, and this should include details of any post remediation sampling and analysis, together with documentation certifying quantities and source/destination of any material brought onto or taken from the site. Any material brought onto the site shall be certified clean;

Any changes to these components require the express consent of the local planning authority.

The scheme shall thereafter be implemented as approved.

Reason: To ensure that contaminated land is adequately dealt with.

- (17) 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: To ensure that contaminated land is adequately dealt with.

- (18) No development related to the residential element of the application hereby permitted shall take place until the brickearth deposits on the site, as shown on drawings G20/2 v3; G20/3 v4; G20/4 v4, have been removed.

Reason: To ensure that the safeguarded mineral is not sterilised.

- (19) No development related to the residential element of the application hereby approved shall take place 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 100 year storm) can be accommodated and disposed of without increase to flood risk on or off-site.

The drainage scheme shall also demonstrate (with reference to published guidance):

- that silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters.
- appropriate operational, maintenance and access requirements for each drainage feature or SuDS component are adequately considered, including any proposed arrangements for future adoption by any public body or statutory undertaker.

The drainage scheme shall be implemented in accordance with the approved details.

Reason: To ensure the development is served by satisfactory arrangements for the disposal of surface water and to ensure that the development does not exacerbate the risk of on/off site flooding. These details and accompanying calculations are required prior to the commencement of the development as they form an intrinsic part of the proposal, the approval of which cannot be disaggregated from the carrying out of the rest of the development.

- (20) No dwelling on any phase (or within an agreed implementation schedule) of the development hereby permitted shall be occupied until a Verification Report, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved by the Local Planning Authority. The Report shall demonstrate the suitable modelled operation of the drainage system where the system constructed is different to that approved. The Report shall contain information and evidence (including photographs) of details and locations of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing; and, the submission of an operation and maintenance manual for the sustainable drainage scheme as constructed.

Reason: To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with and subsequently maintained pursuant to the requirements of paragraph 165 of the National Planning Policy Framework.

- (21) Prior to commencement of the residential element of the development hereby permitted an Arboricultural Method Statement (AMS) in accordance with the current edition of BS 5837 shall be submitted to and approved in writing by the Local Planning Authority. The AMS should detail implementation of any aspect of the development that has the potential to result in the loss of, or damage to trees, including their roots and, for example, take account of site access, demolition and construction activities, foundations, service runs and level changes. It should also detail any tree works necessary to implement the approved scheme and include a Tree Protection Plan. The works shall thereafter be implemented in accordance with the agreed details.

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

- (22) All hard and soft landscape works submitted and approved pursuant to condition 1 (the reserved matters) shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed in writing with the Local Planning Authority.

Reason: In the interests of the visual amenities of the area and encouraging wildlife and biodiversity.

- (23) Upon completion of the approved landscaping scheme, any trees or shrubs that are removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with trees or shrubs of such size and species as may be agreed in writing with the Local Planning Authority, and within whatever planting season is agreed.

Reason: In the interests of the visual amenities of the area and encouraging wildlife and biodiversity.

- (24) The details submitted pursuant to condition 1 (the reserved matters) shall include measures to provide electric vehicle charging and shall include -

a) Electric vehicle charging points for all dwellings with parking facilities within their curtilage.

b) Electric vehicle charging points to be provided to a minimum of 10% of all other residential parking areas.

No dwelling hereby permitted shall be occupied until the electric vehicle charging points for that dwelling have been installed.

Reason: In order to encourage sustainable modes of transport and lower carbon emissions.

- (25) Prior to the construction of any dwelling details of the materials and measures to be used to increase energy efficiency and thermal performance and reduce carbon emissions and construction waste shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved materials and measures.

Reason: In the interests of energy efficiency and lowering carbon emissions.

- (26) The dwellings hereby permitted shall be designed to achieve a water consumption rate of no more than 110 litres per person per day, and no residential unit(s) shall be occupied unless the notice for that dwelling of the potential consumption of water per person per day required by the Building Regulations 2015 (as amended) has been given to the Building Control Inspector (internal or external).

Reason: In the interests of water conservation and sustainability.

- (27) A scheme for the restoration of the site to an appropriate after use following the removal of brickearth (including the timing of implementation of the scheme) must be submitted to the Local Planning Authority not later than 3 years from the date on which the Roads Improvement Strategy Scheme at M2 J5 is open to the public. Thereafter, restoration shall be carried out in accordance with that approved scheme.

If the residential development hereby approved commences within the above timescale, and before a scheme has been submitted for the restoration of the site to an appropriate after use following the removal of brickearth, then the scheme and associated restoration will not be required.

Reason: In the interest of visual amenities if the residential element of the scheme is not implemented.

- (28) A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the Local Planning Authority prior to the occupation of any dwelling. The content of the LEMP shall include the following.

- a) Description and evaluation of features to be managed;
- b) Ecological trends and constraints on site that might influence management;
- c) Aims and objectives of management;
- d) Appropriate management options for achieving aims and objectives;
- e) Prescriptions for management actions, together with a plan of management compartments;
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
- g) Details of the body or organisation responsible for implementation of the plan;

h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The details submitted pursuant to condition 1 (reserved matters) shall deliver a biodiversity net gain of a minimum of 15% across the entire site in accordance with the DEFRA Biodiversity Matrix, thereafter to be monitored, maintained and managed by the LEMP. Where the results from monitoring show that conservation aims and objectives of the LEMP are not being met the LEMP shall include details of how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved LEMP will be implemented in accordance with the approved details.

Reason: In the interests of enhancing biodiversity opportunities.

(29) Within 3 months of the residential element of the scheme commencing a detailed lighting scheme, (informed by the bat activity surveys) must be submitted to the Local Planning Authority for written approval. The lighting scheme 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, where and what 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: In the interests of biodiversity.

(30) Prior to the commencement of brickearth extraction, the measures set out in the Great Crested Newt Mitigation Strategy shall be implemented and thereafter retained in perpetuity.

Reason: To ensure the protection of Great Crested Newts.

(31) Prior to the commencement of the residential element of the proposal, details of levels and lighting of the main access roundabout to the site shall be submitted to and approved by the Local Planning Authority. Thereafter, no dwelling shall be occupied until the access works have been completed in their entirety as shown on drawing D118/12RevC (including in accordance with the approved levels and lighting details).

Reason: In the interest of highway safety and to protect the setting of the adjacent listed building.

- (32) The details submitted pursuant to condition 1 (the reserved matters) shall include details of areas for the parking and manoeuvring of vehicles in the development in accordance with Swale Borough Council's adopted Parking Standards Supplementary Planning Document (adopted 2020). The parking areas shall be provided in accordance with such details as approved prior to the occupation of each dwelling to which they relate and retained thereafter.

Reason: In the interests of highway safety.

- (33) Prior to the occupation of any dwelling covered cycle parking facilities shall be provided for the dwelling in accordance with the Council's adopted Parking Standards Supplementary Planning Document (adopted 2020) and the facilities retained thereafter.

Reason: In the interests of highway safety and to facilitate the use of alternative means of transport.

- (34) Prior to the occupation of any dwelling the following works between the dwelling and the adopted highway shall be provided:

(a) Footways and/or footpaths, with the exception of the wearing course;

(b) Carriageways, with the exception of the wearing course but including a turning facility, highway drainage, visibility splays, street lighting, street nameplates and highway structures (if any).

Reason: In the interest of highway safety.

- (35) Before the occupation of any dwelling hereby approved, the off site highway works in the vicinity of the Grovehurst Road / Hurst Lane / Bramblefield Lane junction, as indicatively shown on drawing D118/29 shall have been carried out in accordance with a design and specification to be submitted and approved in writing by the Local Planning Authority.

Reason: In the interest of highway safety and promotion of sustainable modes of transport.

- (36) Notwithstanding the details shown on drawing 4940-LLB-XX-XX-DR-L-001 Rev. P04, prior to the commencement of brickearth extraction, details of the boundary treatment between points D and E shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the details shall be implemented as approved.

Reason: In the interests of biodiversity, visual amenities and the setting of the listed building.

- (37) As indicatively shown on drawing 4940-LLB-XX-XX-DR-L-001 Rev. P04, prior to the occupation of any units, detailed drawings at a scale of 1:100 showing the design of the pedestrian / cycle access connecting the site to Godwin Close, including measures to prevent it's use by motorised vehicles and the surface treatment to allow east - west connectivity for wildlife shall be submitted to and approved by the Local Planning Authority. The details shall also set out the management body(ies) responsible for it's on-going maintenance. Thereafter the details as agreed shall be implemented contemporaneously with the occupation of the 115th dwelling, or, if less units are constructed, implemented contemporaneously with the first occupation of the last dwelling to be occupied.

Reason: In the interests of encouraging sustainable modes of transport and wildlife connectivity.

- (38) Prior to the commencement of development of the residential element of the scheme hereby approved, details shall be submitted for the installation of fixed telecommunication infrastructure and High-Speed Fibre Optic (minimal internal speed of 1000mb) connections to multi point destinations and all dwellings. The infrastructure shall be installed in accordance with the approved details during the construction of the development, capable of connection to commercial broadband providers and maintained in accordance with approved details.

Reason: To provide high quality digital infrastructure in new developments as required by paragraph 112 NPPF.

- (39) The details submitted pursuant to condition 1 (the reserved matters) shall include an area of not less than 1.08 hectares reserved for public open space. These areas shall be provided and available for public use before the 100th dwelling is occupied and no permanent development whether permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or not shall be carried out in the areas so shown without the prior written approval of the Local Planning Authority.

Within the open space, an area dedicated as Play Space (of not less than 0.07 hectares in size) shall be surfaced and equipped with play equipment, the details of which shall be submitted to, agreed in writing by the Local Planning Authority and provided before the 100th dwelling is occupied. No permanent development whether permitted by the Town and Country Planning (General Permitted Development) Order 2015 or not shall be carried out in the areas so shown without the prior written approval of the Local Planning Authority.

Reason: To ensure that these areas are made available in the interests of the residential amenities of the area.

- (40) No development related to the residential element of the scheme shall take place until a strategic landscaping scheme (to complement the other landscaping conditions) to include the parts of the application site which front onto Grovehurst Road and Swale Way frontages (and which do not form part of the land required by KCC Highways & Transportation for the A249 / Grovehurst junction improvements) has been submitted to and approved in writing by the Local Planning Authority. These details shall include existing trees, shrubs and other features, planting schedules of plants, noting species (which shall be native), plant sizes and numbers where appropriate, size of tree pits, measures to prevent tree vandalism, means of enclosure, hard surfacing materials, and an implementation programme.

Reason: In the interests of the visual amenities of the area and encouraging wildlife and biodiversity.

- (41) No construction work in connection with the development (including brick earth extraction) shall take place on any Sunday or Bank Holiday, nor on any other day except between the following times:-

Monday to Friday 0730 - 1800 hours, Saturdays 0800 - 1300 hours unless in association with an emergency or with the prior written approval of the Local Planning Authority.

Reason: In the interests of residential amenity.

- (42) No impact pile driving in connection with the construction of the development shall take place on the site on any Saturday, Sunday or Bank Holiday, nor on any other day except between the following times :-
Monday to Friday 0900 - 1700 hours unless in association with an emergency or with the prior written approval of the Local Planning Authority.

Reason: In the interests of residential amenity.

- (43) The details pursuant to condition 1 (the reserved matters), shall show a pedestrian / cycle link through the site, linking to Swale Way, in a position as indicatively shown on drawing no. 5384/OPA/SK006rD (Illustrative Masterplan) and shall be constructed prior to the occupation of the 50th dwelling.

Reason: To encourage sustainable transport methods.

- (44) The details submitted pursuant to condition 1 (the reserved matters) shall demonstrate how the development meets the principles of 'Secure by Design'.

Reason: In the interests of crime reduction and safety.

- (45) No gas boilers shall be fitted in the dwellings hereby permitted other than a low emission boiler of a minimum standard of <40mgNO_x/kWh. No dwellings shall be occupied until details of the boilers to be installed have been submitted to and approved in writing by the Local Planning Authority, and the development shall be carried out in accordance with such details.

Reason: In the interests of minimising air quality impacts.

- (46) Prior to the submission of any reserved matters application a Design Code (which will be based upon, but not limited to the details contained in the Design & Access Statement, dated April 2018) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, details submitted pursuant to condition 1 (the reserved matters) above shall be in accordance with the approved Design Code.

Reason: In the interests of providing a high-quality layout and design for the development.

Informative(s):

- (1) This application is also subject to an agreement under Section 106 of the Town and Country Planning Act 1990 (as amended).

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.



James Freeman
Head of Planning Services
Swale 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.swale.gov.uk/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 LPAs 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.