

The Mulberry Tree  
C/O DHA Planning  
FAO: Matthew Blythin  
Eclipse House  
Eclipse Park  
Sittingbourne Road  
Maidstone  
Kent  
ME14 3EN



30 January 2019

## PLANNING DECISION NOTICE

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<b>APPLICANT:</b>	<b>The Mulberry Tree</b>
<b>DEVELOPMENT TYPE:</b>	<b>Minor Dwellings</b>
<b>APPLICATION REFERENCE:</b>	<b>18/506158/FULL</b>
<b>PROPOSAL:</b>	<b>Conversion of existing restaurant building, flat and associated staff accommodation to form four residential dwellings with associated minor extensions and alterations to existing building, erection of detached car barns, landscaping and formation of additional vehicular access point onto Hermitage Lane.</b>
<b>ADDRESS:</b>	<b>The Mulberry Tree Hermitage Lane Boughton Monchelsea Maidstone Kent</b>

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The Council hereby **GRANTS** planning permission 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](mailto:planningsupport@midkent.gov.uk)

Access planning services online at: [www.maidstone.gov.uk](http://www.maidstone.gov.uk); or submit an application via [www.planningportal.gov.uk](http://www.planningportal.gov.uk)

- (2) External materials to be used in the development hereby permitted shall match the existing. Surfacing and edging materials for the courtyards shall be as specified on drawing no: DHA/13130/11 rev A.

Reason: In the interests of visual amenity.

- (3) Prior to any part of the development hereby approved reaching reaching damp proof course a scheme for the disposal surface water (which shall in the form of a SUDS scheme) shall be submitted to and approved by the local planning authority. The development shall thereafter be undertaken in accordance with the approved details.

Reason: To ensure satisfactory drainage in the interests of flood prevention.

- (4) In the first available planting season following first occupation of any part of the development hereby permitted the planting shown on drawing no: DHA/13130/11 rev A shall be carried out. Any specimen/s becoming dead, dying or diseased within 5 years of planting shall be replaced by specimen/s of the same size and species and in the same location.

Reason: In the interests of visual amenity.

- (5) Prior to first occupation of any dwelling all the boundary treatments specified on drawing no: DHA/13130/11 rev A shall be carried and shall be retained as such at all times thereafter.

Reason: In the interests of amenity.

- (6) Prior to any of the extensions hereby approved reaching damp proof course details of the size and design of a refuse enclosure to be provided on the proposed refuse collection point shown on drawing no: DHA/13130/11 rev A shall be provided for prior approval in writing by the Local Planning Authority. The approved enclosure shall be available for use prior to first occupation of any of the dwellings hereby permitted and retained at all times thereafter without any impediment to its intended use.

Reason: In the interests of visual amenity.

- (7) The development hereby permitted shall be carried out in accordance with the following approved plans being drawing nos: DHA/13130/01-03 (consec) all rev A, 04-10 (consec) and 11, 12, 13, 14, 15 and 18 all rev A.

Reason: In the interests of amenity.

Informative(s):

(1) Community Infrastructure Levy (CIL):

The proposed development is CIL liable. The actual amount of CIL can only be confirmed once all the relevant forms have been submitted and relevant details have been assessed and approved. Any relief claimed will be assessed at the time planning permission is granted or shortly after.

(2) Highways:

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.

Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil.

Information about how to clarify the highway boundary can be found at <https://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land/highway-boundary-enquiries>

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.

The Council's approach to this application:

In accordance with paragraph 38 of the National Planning Policy Framework (NPPF), July 2018 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 application was acceptable as submitted and no further assistance was required.

If your decision includes conditions, there is a separate application process to discharge them. You can apply online at, or download forms from, [www.planningportal.co.uk](http://www.planningportal.co.uk) (search for 'discharge of conditions').

*R. L. Jarman*

**Rob Jarman**  
**Head of Planning Services**  
**Maidstone Borough Council**

**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 must be made using a form which you can get from the Secretary of State 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 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.