

Application: 20211161

**TOWN AND COUNTRY PLANNING ACT 1990
THE TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)
(ENGLAND) ORDER 2015 (AS AMENDED)**

NOTIFICATION OF GRANT OF PERMISSION TO DEVELOP LAND
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To: **Mr Ben Merchant
The Cottage West
Church Street
Maidstone
ME18 5AJ**

TAKE NOTICE that the **GRAVESHAM BOROUGH COUNCIL**, the Local Planning Authority under the Town and Country Planning Acts, has **GRANTED PERMISSION** for development of land situate at:

**Barn At
Oaklands
Leywood Road
Meopham
Gravesend
Kent
DA13 0UD**

and being **External and internal works to facilitate the conversion of the agricultural building to a guest house**. Your application dated 8th October 2021 is permitted subject to the following:-

1. The development hereby approved shall be begun not later than 3 years following the date of this permission.

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

2. Unless otherwise reserved for approval by a condition forming part of this permission, the development hereby permitted shall be carried out in accordance with the following approved plans and documents:

Application form;
Red/blue line site boundary plan;
Existing block plan;
Plan with site access annotated;
Drawing no. BM 01 Existing southern, eastern and western elevations;
Drawing no. BM 02 Existing northern elevation and roof plan;
Drawing no. BM 08 Existing layout;
Drawing no. BM 01 Proposed southern, eastern and western elevations;
Drawing no. BM 05 Proposed northern elevation and roof plan;
Drawing no. BM 08 Proposed layout
Planning Statement September 2021;
Preliminary Ecological Appraisal 08 December 2021;

Email from the applicant dated 17 November 2021;
Email from the applicant dated 14 December 2021 and received at 13.07pm; and
Email from the applicant dated 21 January 2021.

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

3. No development shall take place until a comprehensive Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The document shall include the construction precautionary measures described in paragraph 8.1 of the Preliminary Ecological Appraisal 08 December 2021 and any other measures deemed reasonably necessary. The development shall be carried out in accordance with the approved document.

Reason: To avoid adverse impacts to protected/notable species and habitats during the construction phase of the development and in accordance with Local Plan Core Strategy Policy CS12.

4. Prior to the commencement of any foul and/or surface water drainage works, details of the disposal methods for foul and surface water shall be submitted to and approved in writing by, the Local Planning Authority. The development shall be constructed in line with the approved details and the building shall not be occupied until the approved scheme is fully installed.

Reason: To ensure that the development does not contribute to, or is adversely affected by, unacceptable levels of water pollution and in line Policy CS18 of the Gravesham Local Plan Core Strategy September 2014.

5. Prior to the first use of the building, details of measures to protect habitats and species from adverse visitor impacts and to inform visitors of the high ecological value of the area, shall be submitted to and approved in writing by the Local Planning Authority. The details shall include appropriate fences and educational boards/leaflets and any other measures deemed reasonably necessary. The development shall be carried out in accordance with the approved details and the measures shall be retained permanently.

Reason: To avoid adverse impacts to protected/notable species and habitats during the operational phase of the development and in accordance with Local Plan Core Strategy Policy CS12.

6. Prior to the first use of the building, an ecological enhancement plan shall be submitted to and approved in writing by the Local Planning Authority. The plan should include elements identified in paragraph 8.8 of the Preliminary Ecological Appraisal 08 December 2021 and any other measures deemed reasonably necessary. The development shall be carried out in accordance with the approved details and the measures shall be retained permanently.

Reason: To enhance biodiversity in the locality and in accordance with Local Plan Core Strategy Policy CS12.

7. Prior to the first use of the development hereby permitted, a lighting design strategy for biodiversity for the site will be submitted to and approved in writing by the Local Planning Authority. The lighting strategy will;

- a) Identify those areas/features on site that are particularly important for bats and other protected species; and
- b) Show how and where external lighting will be installed in accordance with 'Guidance Note 8 Bats and Artificial Lighting' (Bat Conservation Trust and Institute of Lighting Professionals).

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

Reason: To avoid adverse impacts to protected/notable species and habitats and in accordance with Local Plan Core Strategy Policy CS12.

8. Notwithstanding the details included on the application form and approved plans, the materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Reason: To ensure a satisfactory visual relationship between the existing and the new development in accordance with Local Plan: Core Strategy Policy CS19.

9. The approved conversion works shall be undertaken only within the curtilage of the building (as shown by the red line on the approved block plan).

Reason: In order that the landscape, ecological, amenity etc impacts of any works outside of the curtilage of the building can be adequately assessed and in accordance with Local Plan: Core Strategy Policies CS12 and CS19.

INFORMATIVES:-

1 STATEMENT OF POSITIVE AND PROACTIVE APPROACH TO DECISION-MAKING

In accordance with Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended), and paragraph 38 of the National Planning Policy Framework (NPPF) 2021, the Local Planning Authority has approached the assessment and determination of this application in a positive and creative way and, where appropriate, has worked pro-actively with the applicant to secure a development that is sustainable and that improves the economic, social and environmental conditions of the area, and that is in accordance with the Development Plan for the area.

2 AGREEMENT FOR IMPOSITION OF PRE-COMMENCEMENT CONDITION

In accordance with The Town and Country Planning (Pre Commencement Conditions) Regulations 2018 and paragraph 36 of the Planning Practice Guidance, the Local Planning Authority has agreed in writing with the applicant on 21 January 2022 to the inclusion of the following pre-commencement condition;

Condition 3 Construction Environmental Management Plan.

3 DEVIATION FROM APPROVED PLANS

It is possible that any proposed deviation from the approved plans could be classed as a 'material' change requiring a further application/permission. In the event that any change is proposed, applicants are advised to seek advice from the Local Planning Authority [as proceeding without the necessary permissions could nullify this permission].

4 BUILDING REGULATIONS CONSENT

The granting of planning permission is independent from the granting of Building Regulations consent (which may, or may not, be required). In the event of a change to the scheme granted planning permission being required to satisfy the Building Regulations, applicants are advised to seek advice from the Local Planning Authority [as proceeding without the necessary permissions could nullify this permission].

5 PARTY WALL ACT 1996

Applicants are reminded of their responsibilities under the Party Wall Act 1996. This legislation is not taken into account when determining a planning application and independent advice should be taken in this regard. In the event of application of this legislation requiring change to the permitted scheme, applicants are advised to seek advice from the Local Planning Authority [as proceeding without the necessary permissions could nullify this permission].

6 BREEDING BIRDS

The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act.

Trees and building are likely to contain nesting birds between 1st March and 31st August inclusive. Trees and building are present on the application site and are to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is absolutely certain that nesting birds are not present.

7 INFORMATION FOR THE APPLICANT

The applicant should note that an updated Preliminary Ecological Appraisal is likely to be required for future applications relating to the building/wider site e.g. applications relating to the installation of waste water, services and/or access to the building.

The applicant should note that it is his responsibility to ensure that the proposed change of use is in line with the requirements of Class R of Schedule 2, Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). The proposed use must not be as a self-contained holiday unit (Class C3) and the works must not amount to the erection of a new building. If either of these occurs, Class R permitted development rights could not be relied upon and planning permission would be required.

The existing access to the field in which the application building is located does not have a hardstanding and is not metalled. Therefore any works to provide a hard surface/parking area at the access or elsewhere in the field would require planning permission.

8 WORKS OF CONSTRUCTION

Hours of work of construction site plant, equipment and machinery, should be restricted to not earlier than 7.00 a.m. and not later than 6.00 p.m. weekdays and Saturday working should be restricted to not earlier than 8.00a.m. and not later than 1.00 p.m. No work shall be carried out on Sundays, Bank or Public Holidays.

i. Suitable sound attenuation shall be used at all times in respect of all plant, machinery and equipment in operation on site in order to aid prevention of noise nuisance. Compliance with BS 5228: Part 1: 1984 and subsequent amendments regarding the use of equipment on site will be required in appropriate cases.

ii. A suitable method of control shall be used in order to aid prevention of dust nuisance arising from work activities on site.

iii. Burning of waste materials shall not be carried out on site. Such materials are to be stored in a suitable receptacle, as far from residential accommodation as reasonably practicable, pending disposal off site.

iv. Adequate arrangements shall be made to remove all waste material from the site on a regular basis and to dispose of it at a suitably licensed waste disposal site.

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## 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 to grant 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 this is a **householder application\*** which has been refused and you want to appeal against your Local Planning Authority's decision then you must do so within **12 weeks of the date of this notice**.
- For all other applications, refused or permitted, if you want to appeal against your Local Planning Authority's decision then you must do so within 6 months of the date of this notice.
- **Appeals must be made using a form which you can obtain from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN; telephone: 0303 444 5000; email: [enquiries@pins.gsi.gov.uk](mailto:enquiries@pins.gsi.gov.uk) 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 they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based their decision on a direction given by him.

#### **\*Householder applications**

These are:

- (a) applications for planning permission for development of an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse, or
- (b) an application for any consent, agreement or approval required by or under a planning permission, development order or local development order in relation to such development

but does **not** include –

- (i) an application for change of use;
- (ii) an application to change the number of dwellings in a building.

### PURCHASE NOTICES

If either the Local Planning Authority or the Secretary of State for the Environment refuses permission to develop land or grants it subject to conditions, the owner may claim that he/she can neither put the land to a reasonably beneficial use in its existing state nor can he/she render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

### **COMPENSATION**

In certain circumstances compensation may be claimed from the Local Planning Authority if permission is refused or granted subject to conditions by the Secretary of State on appeal or on reference of the application to him.

These circumstances are set out in Sections 114 and related provisions of the Town and Country Planning Act 1990.