



Maidstone Investment Holding Ltd
C/O Savills
F.A.O Mrs Emma Andrews
33 Margaret Street
London
W1G 0JD

11 March 2021

PLANNING DECISION NOTICE

APPLICANT:	Maidstone Investment Holding Ltd
DEVELOPMENT TYPE:	Large Maj Office/R&D/Light Industry
APPLICATION REFERENCE:	20/505195/OUT
PROPOSAL:	Section 73 - Application for Variation of Condition 3 to allow buildings on the eastern part of the site to have a footprint up to 10,000sqm, and variation of Condition 4 to allow buildings on the western part of the site to have a footprint up to 4,800sqm, a ridge height up to 10.5m, and to remove the requirement for buildings to be orientated end-on to the M20 motorway pursuant to application 17/502331/OUT - (Outline application for a mixed commercial development comprising B1(a), B1(b), B1(c) and B8 units, with a maximum floor space of 45,295 square metres (Access being sought))
ADDRESS:	Land At Woodcut Farm , Ashford Road, Hollingbourne, Kent, ME17 1XH

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

MKPS – Working in Partnership with: Maidstone Borough Council

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

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

Email: planningsupport@midkent.gov.uk

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

- (1) Any phase of the development (as approved under the phasing plan submitted and approved under condition 13 below) shall not commence until approval of the following reserved matters have been obtained in writing from the Local Planning Authority for that phase:-

a. Layout b. Scale c. Appearance d. Landscaping

Application for approval of the reserved matters shall be made to the Local Planning Authority before 20th July 2023. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved;

Reason: No such details have been submitted and in accordance with the provisions of Section 92 of the Town and Country Planning Act 1990.

- (2) The details of layout submitted pursuant to condition 1 shall show no more than 40% of the site being covered by buildings.

Reason: To ensure a satisfactory appearance to the development.

- (3) On the eastern part of the site (east of the existing stream), there shall be no units with a footprint of over 10,000m², no buildings shall exceed a ridge height of 12 metres, and buildings shall be orientated end-on to the M20 motorway.

Reason: To ensure a satisfactory appearance to the development.

- (4) On the western part of the site (west of the existing stream), there shall be no units with a footprint of over 4,800m², and no buildings shall exceed a ridge height of 10.5 metres.

Reason: To ensure a satisfactory appearance to the development.

- (5) On the highest part of the site at and above the 55m contour line, as shown on the Local Plan policies map, there shall be no buildings with a footprint of over 500m².

Reason: To ensure a satisfactory appearance to the development.

- (6) The details of appearance submitted pursuant to condition 1 shall follow the principles of the Design & Access Statement and include:

Curved roof forms.

Green roofs and walls on smaller footprint buildings (500m² and below).

Non-reflective materials and sensitive colouring.

Glazed frontages to buildings and active frontages addressing both the A20 and M20.

The use of vernacular materials including ragstone on buildings and in boundary treatments.

High quality surfacing materials.

Sensitive lighting.

The use of photovoltaic cells incorporated into the design of the roofs.

Reason: To ensure a satisfactory appearance to the development.

- (7) The details submitted pursuant to condition 1 shall provide for vehicle and cycle parking spaces in line with the Council's adopted standards.

Reason: In the interests of highway safety and to promote sustainability.

- (8) The details of landscaping submitted pursuant to condition 1 shall be designed in accordance with the principles of the Council's landscape character guidance. The scheme shall show all existing trees, hedges and blocks of landscaping on, and immediately adjacent to, the site and indicate whether they are to be retained or removed. It shall detail measures for protection of species to be retained and include a planting specification, a programme of implementation and maintenance and a 10 year management plan. The programme of implementation shall include site boundary planting and the 9ha of woodland/wooded pasture being established under the first phase of any development. The landscape scheme shall specifically address the need to provide:

Substantial tracts of planting extending into the body of the development to achieve clear visual separation between development areas.

Dense woodland planting along the A20 frontage at the south western edge of the site in excess of 25m width including a planted bund.

A 30m native woodland belt with understorey shrubs and grasses along the western edge of the site to help secure the setting of Woodcut Farmhouse.

Planted landscape buffer zones to the west north and east of Chestnuts and White Heath adjacent to the site to help protect the amenity of these properties.

Retention of the protected trees along Musket Lane, augmented with hedgerows and a new native woodland shaw at least 15m in depth to Musket Lane.

Creation of a circa 38m-70m landscape buffer between any development and the M20 which includes the gas pipe easement.

A woodland shaw along the northern boundary and the M20 of at least between 10-24m width.

The gas pipe easement corridor managed as long grass with indigenous wild flora.

Tracts of structural landscaping extending into development areas of at least 15m in width.

An avenue of tree planting along the access road.

An area of heavily treed native woodland planting in the north west corner of the site of approximately 2.5ha and an area of wooded pasture within the land outlined in blue to the northwest of the application site of approximately 6.6ha (total of at least 9ha).

Tree planting within the area the land outlined in blue to the west of the application site (approximately 2.4ha).

An area of tree planting within the land outlined in blue to the west of the application site.

Swales and balancing ponds including the provision of shallow areas, and deeper, cooler areas, as well as the planting regimes.

The planting of native evergreen trees to help screen/soften views of the development from neighbouring residential properties.

Reason: To ensure a satisfactory appearance and landscape setting to the development and satisfactory implementation, maintenance and management of the landscaped areas.

- (9) The details submitted pursuant to condition 1 shall include at least 10,000m² of Use Class E(g)(i) (offices) or (ii) (research and development) floorspace or a combination of the two.

Reason: To comply with the site allocation policy.

- (10) The details submitted pursuant to condition 1 shall not exceed the following floorspaces (unless made subject to further assessment):

Use Class E(g)(i)(ii) uses - 10,000m²

Use Class E(g)(iii) uses - 12,840m²

B8 uses - 22,455m²

Reason: To comply with the floorspace amounts assessed under the Environmental Statement.

- (11) The details submitted pursuant to condition 1 shall be designed so that any impact with regards to noise is reduced to a minimum in accordance with national policy and the design of the development shall aim to meet the levels defined by the Noise Rating Curve 35 at the existing noise sensitive properties. The final design and noise mitigation applied shall take into account the prevailing noise environment, the nature and extent of any residual impact as well as its economic cost and benefit.

Reason: In the interests of residential amenity.

- (12) The details submitted pursuant to condition 1 shall incorporate measures to minimise the risk of crime according to the principles and physical security requirements of Crime Prevention through Environmental Design (CPTED).

Reason: In the interest of security, crime prevention and community safety.

- (13) No development shall take place until a phasing plan for the whole site has been submitted to the Local Planning Authority and agreed in writing. The approved phasing plan shall be followed unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure a suitable development of the site.

- (14) No development shall take place until the specific details of the off-site highway improvements to the A20 including the site access junction, pedestrian refuges, footway/cycleway enhancements, and bus stops have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highways Authority. The subsequently approved details shall be carried out in full prior to the occupation of any of the development.

Reason: In the interests of highway safety and to promote sustainability.

- (15) No development shall take place until a Construction Management Plan and Code of Construction Practice has been submitted to and approved in writing by the local planning authority. The approved details shall be fully implemented. The construction of

the development shall then be carried out in accordance with the approved Code of Construction Practice and BS5228 Noise Vibration and Control on Construction and Open Sites and the Control of dust from construction sites (BRE DTi Feb 2003) unless previously agreed in writing by the Local Planning Authority.

The code shall include:

- o An indicative programme for carrying out the works
- o Measures to minimise the production of dust on the site(s)
- o 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)
- o Measures to minimise light intrusion from the site(s)
- o Maximum noise levels expected 1 metre from the affected façade of any residential unit adjacent to the site(s)
- o Design and provision of site hoardings
- o Management of traffic visiting the site(s) including temporary parking or holding areas
- o Provision of off road parking for all site operatives
- o Measures to prevent the transfer of mud and extraneous material onto the public highway
- o Measures to manage the production of waste and to maximise the re-use of materials
- o Measures to minimise the potential for pollution of groundwater and surface water
- o The location and design of site office(s) and storage compounds
- o The location of temporary vehicle access points to the site(s) during the construction works
- o The arrangements for public consultation and liaison during the construction works

Reason: In view of the scale of the development and in the interests of highway safety and local amenity.

- (16) The development shall be carried out in accordance with the Great Crested Newt mitigation strategy approved under application 20/505159/SUB and thereafter maintained.

Reason: In the interests of biodiversity.

- (17) The development shall be carried out in accordance with the Landscape and Ecological Management Plan (LEMP) approved under application 20/505159/SUB.

Reason: In the interests of biodiversity.

- (18) The development shall be carried out in accordance with the ecological design strategy (EDS) approved under application 20/505159/SUB and all features shall be retained in that manner thereafter.

Reason: To protect and enhance biodiversity.

- (19) The development shall be carried out in accordance with the method statement for ecological mitigation approved under application 20/505159/SUB and shall be retained in that manner thereafter.

Reason: To protect habitats and species identified in the ecological surveys from adverse impacts during construction.

- (20) The construction of the development shall be carried out in accordance with the construction environmental management plan (CEMP: Biodiversity) approved under application 20/505159/SUB.

Reason: In the interests of biodiversity.

- (21) The development shall be carried out in accordance with the precautionary reptile mitigation strategy approved under application 20/505159/SUB.

Reason: In the interests of biodiversity.

- (22) No development shall take place a scheme detailing and where possible quantifying what measures or offsetting schemes are to be included in the development which will reduce the transport and building related air pollutant emissions of the development when in occupation have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details. The developer should have regard to the DEFRA guidance from the document Low Emissions Strategy - using the planning system to reduce transport emissions January 2010.

Reason: In the interests of pollution reduction.

- (23) No development shall take place until the following details have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details:

(i) 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 maximise the use of infiltration and shall demonstrate that both the rate and volume of run-off leaving the site post-development will be restricted to that of the existing site, with the rate of runoff not exceeding 80.1l/s for any rainfall event (up to and including the climate change adjusted 100 year critical storm).

(ii) Development shall not begin until it has been appropriately demonstrated that the existing on-site surface water flow-routes and accumulation points will not be altered in such a way that the development places adjacent properties at risk of flooding during any rainfall event, up to and including the climate change adjusted critical 100 year storm.

(iii) No building hereby permitted shall be occupied until details of the implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. 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.

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

- (24) No phase of development shall take place until the following components of a scheme to deal with the risks associated with contamination of the site shall have been submitted to and approved, in writing, by the local planning authority:

1) A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site.

2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3) A remediation method statement (RMS) based on the site investigation results and the detailed risk assessment (2). 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.

4) A Closure Report is submitted upon completion of the works. The closure report shall include full verification details as set out in 3. 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: For the protection of Controlled Waters and in the interests of pollution prevention.

- (25) The development shall be carried out in accordance with the archaeological field evaluation works and specification approved under application 20/504216/SUB. Following on from the evaluation, and prior to the commencement of development on any phase, any safeguarding measures to ensure preservation in situ of important archaeological remains and/or further archaeological investigation and recording in accordance with a specification and timetable shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that features of archaeological interest are properly examined and recorded and that due regard is had to the preservation in situ of important archaeological remains.

- (26) No phase of the development shall take place until details of the proposed slab levels of the buildings which shall follow those set out on the Building Heights Parameter Plan (PL4.2 RevB) together with existing site levels relating to that phase have been submitted to and approved in writing by the Local Planning Authority and the development shall be completed strictly in accordance with the approved levels.

Reason: In order to secure a satisfactory form of development.

- (27) The development shall be carried out in accordance with the Arboricultural Impact Assessment (AIA) approved under application 20/505159/SUB.

Reason: To safeguard existing trees to be retained and to ensure a satisfactory setting and external appearance to the development.

- (28) No phase of the development above damp proof course level shall take place until written details and samples of the materials to be used in the construction of the external surfaces of any buildings and hard surfaces relating to that phase have been submitted to and approved in writing by the Local Planning Authority and the development shall be constructed using the approved materials. The materials shall follow the principles of the Design & Access Statement.

Reason: To ensure a satisfactory appearance to the development.

- (29) No phase of the development above damp proof course level shall take place until details of all fencing, walling and other boundary treatments relating to that phase have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details before the first occupation of the building(s) or land and maintained thereafter. The boundary treatments shall follow the principles within the Design & Access Statement and include the use of ragstone walling.

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

- (30) No phase of the development above damp proof course level shall take place until details of any lighting for the site relating to that phase has been submitted to and approved in writing by the local planning authority. The submitted details shall include, inter-alia, details of measures to shield and direct light from the light sources so as to prevent light pollution and in the interests of biodiversity. The development shall thereafter be carried out in accordance with the subsequently approved details. All external lighting shall be installed in accordance with the specifications and locations set out in the details, and these shall be maintained thereafter.

Reason: To prevent light pollution in the interests of the character and amenity of the area and biodiversity.

- (31) No phase of the development shall take place above damp proof course level until details of facilities for the charging of electric vehicles within that phase have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be provided before the first use of the building(s) or land, should conform to the latest standards and conform to best practice, and be thereafter retained.

Reason: In the interests of sustainable transport use, pollution reduction and local amenity.

- (32) The approved details of the access to the site as shown on drawing no. PL_4.3 RevB shall be completed prior to the occupation of the site and thereafter maintained to the satisfaction of the Local Planning Authority.

Reason: In the interests of highway safety.

- (33) Prior to first use of any premises, in respect of noise, details of the anticipated operation of the various units shall be submitted to and approved in writing by the Local Planning Authority. In particular, the details shall compare the anticipated operation with that assumed in the Environmental Statement (ES) to show that the level of noise impact and effect would continue to comply with national policy. The development shall be carried out in accordance with the approved details.

Reason: In the interests of residential amenity.

- (34) Notwithstanding the implementation of wider site boundary planting being established under the first phase of any development under condition 8, all planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season (October to February) with seeding or turfing in the first seeding and turfing season (March to September) following the occupation of the phase that the landscaping scheme relates to. Any seeding or turfing which fails to establish or any trees or plants which, within ten years from the first occupation of that phase or from planting of the wider site boundary planting, die or become so seriously damaged or diseased that their long term amenity value has been adversely affected shall be replaced in the next planting season with plants of the same species and size as detailed in the approved landscape scheme unless the local planning authority gives written consent to any variation.

Reason: To ensure a satisfactory setting and external appearance to the development.

- (35) Any existing trees or hedges approved to be retained on site which, within a period of ten years from the first occupation of a property, commencement of use or adoption of land, die or become, in the opinion of the local planning authority, so seriously damaged or diseased that their long term amenity value has been adversely affected, shall be replaced in the same location during the next planting season (October to February), with plants of an appropriate species and size to mitigate the impact of the loss as agreed in writing by the local planning authority.

Reason: To safeguard existing landscaping and to ensure a satisfactory setting and external appearance to the development.

- (36) All trees to be retained must be protected by barriers and/or ground protection in accordance with BS 5837 (2012) 'Trees in Relation to Construction-Recommendations'. No equipment, machinery or materials shall be brought onto the site prior to the erection of approved barriers and/or ground protection except to carry out pre commencement operations approved in writing by the local planning authority. These measures shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed, nor fires lit, within any of the protected areas. No alterations shall be made to the siting of barriers and/or ground protection, nor ground levels changed, nor excavations made within these areas without the written consent of the local planning authority;

Reason: To safeguard existing trees to be retained and to ensure a satisfactory setting and external appearance to the development.

- (37) All buildings shall achieve a Very Good BREEAM UK New Construction 2014 rating. A final certificate shall be issued to the Local Planning Authority for written approval to certify that at a Very Good BREEAM UK New Construction 2014 rating has been achieved within 6 months of the first occupation of each building.

Reason: To ensure a sustainable and energy efficient form of development.

- (38) The precautionary bat mitigation as detailed within the Bat Report dated 28 October 2020 prepared by Lloyd Bore shall be strictly adhered to unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of biodiversity.

- (39) Details of the proposed location and design of any electricity substation(s) shall be submitted to and approved in writing by the Local Planning Authority. The design should aim to maximise the distance between the sub-station and existing noise sensitive properties and shall aim to meet the levels defined by the Noise Rating Curve 35 at the existing noise sensitive properties. The final design and noise mitigation applied shall take into account the prevailing noise environment, the nature and extent of any residual impact as well as its economic cost and benefit. The development shall be carried out in accordance with the approved details.

Reason: In the interests of residential amenity.

- (40) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved, verified and reported to the satisfaction of the Local Planning Authority.

Reason: For the protection of Controlled Waters and in the interests of pollution prevention.

- (41) No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to Controlled Waters. The development shall be carried out in accordance with the approval details.

Reason: For the protection of Controlled Waters and in the interests of pollution prevention.

- (42) Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: For the protection of Controlled Waters and in the interests of pollution prevention.

- (43) No open storage of plant, materials, products, good for sale or hire or waste shall take place on the site.

Reason: To safeguard the character and appearance of the surrounding area.

- (44) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification), no extensions to any buildings shall be carried out without the permission of the Local Planning Authority;

Reason: To safeguard the character, appearance and functioning of the surrounding area.

- (45) Any buildings and associated land shall be used only for Use Class E(g)(i)(ii)(iii) or Use Class B8 and for no other purpose (including any other purpose in Class E of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) or permitted under the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any statutory instrument revoking and re-enacting those Orders with or without modification);

Reason: To comply with the site allocation policy and in order to deliver the specific types of employment the site was allocated for.

- (46) In respect of the approved access from the A20 to a position 40 metres into the site only, the development hereby permitted shall be carried out in accordance with drawing no. 13-0596.110 (Site Access Visibility Splays), and Illustrative Site Layout Plan 11257/FE_125 (Rev A).

Reason: For the purposes of clarity.

- (47) Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended) or any statutory instrument revoking and re-enacting the Order, the Use Class B8 premises hereby approved on Plot B as defined on the Illustrative Site Layout Plan 11257/FE_125 (Rev A) shall exclude occupation by any use for 'High Intensity Parcel Delivery Service' for any unit of 5,000sqm or more.

'High Intensity Parcel Delivery Service' means that the primary activity of the business is the storage, packaging and delivery of parcels to residential and business users for and on behalf of multiple independent sellers as distinct from a retail warehouse and distribution centre where the packaging and distribution is consequential to the retail sale of their own goods or goods for which they have a franchise.

Reason: To ensure, taking account of the material difference in traffic generation and impacts of high intensity parcel delivery compared to more traditional B8 uses, the traffic impact of which has not been assessed on the surrounding road network, that the M20 continues to be an effective part of the national system of routes for through traffic and to satisfy the reasonable requirements of road safety.

Informative(s):

- (1) The Section 106 agreement accompanying the original permission 17/502331/OUT contains a clause (9.3) which ties the covenants and provisions of the legal agreement to this permission.

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 application was approved without delay.

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

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

The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the Committee and promote the application.

In accordance with Regulations 29(2) and 30(1) of the EIA Regulations 2017:

The reasoned conclusion of the LPA on any potential significant effects of the development on the environment are set out in the LPAs report to the Planning Committee. Those identified within the Environmental Statement would be avoided or reduced through mitigation set out

therein which is secured under the planning conditions attached to the outline permission and the requirements of the Section 106 Agreement.

The mitigation secured in the planning conditions and legal agreement relating to ecology, landscape and visual impact, heritage, noise and vibration, and lighting will serve to suitably avoid, prevent, and reduce likely significant adverse effects on the environment.

The main reasons and considerations on which the decision is based including a summary of the results of the consultations undertaken, and information gathered, in respect of the application and how those results have been incorporated or otherwise addressed are set out in the LPAs report to the Planning Committee which includes information about the participation of the public.

The validity of this decision can be challenged by making an application to the High Court for a judicial review on the grounds that the decision is not within the appropriate power of the local planning authority and/or that a procedural requirement has not been complied with. Any such application must be made no later than the end of the period of six weeks from the date of the decision.

R. L. Jarman

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

Please be advised that irrespective of whether your proposal requires planning permission or not, it may still require Building Regulation Approval. For more information on this please visit our website <https://www.maidstone.gov.uk/home/primary-services/planning-and-building/primary-areas/building-control>

IMPORTANT - YOUR ATTENTION IS DRAWN TO THE ATTACHED NOTES

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

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

Appeals to the Secretary of State

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

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

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

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

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

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

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