

Mr & Mrs W O'Donoghue  
C/O Mr Andrew Gerken  
Pump House Designs  
Pump House Yard  
The Green  
Sedlescombe  
Battle  
TN33 0QA



24 May 2022

## PLANNING DECISION NOTICE

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<b>APPLICANT:</b>	<b>Mr &amp; Mrs W O'Donoghue</b>
<b>DEVELOPMENT TYPE:</b>	<b>All other minor development</b>
<b>APPLICATION REFERENCE:</b>	<b>21/03699/FULL</b>
<b>PROPOSAL:</b>	<b>Proposed demolition of existing and erection of replacement outbuildings for ancillary use. Formation of new vehicular access and driveway including new gates and closure of existing access</b>
<b>ADDRESS:</b>	<b>Cherry Tree Cottage, Bodiam Road, Sandhurst, Cranbrook, Kent, TN18 5LR</b>

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

- (1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this decision.

Reason: To comply with the requirements 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) The development hereby permitted shall be carried out in accordance with the following approved plans:

Location Block Plan - Drg no. 6895/LBP/B  
Proposed site plan - Drg no. 6895/21/1/B  
Proposed ancillary outbuilding - Drg no. 6895/21/2/A  
Stage 1 Road Safety Audit Report No. EC/2022/01/GTA2 and Access Plan - Drg no. 11166/101 Rev P3

Reason: To clarify which plans have been approved.

- (3) The development shall be carried out in accordance with the details of external materials specified in the application which shall not be varied without the prior written permission of the Local Planning Authority.

Reason: In the interests of visual amenity.

- (4) The outbuildings hereby permitted, shall be used for ancillary purposes only, in connection with the main dwelling, and shall not be used as a separate unit of accommodation.

Reason: To prevent the creation of a separate dwelling or use, in the interests of the protection of the countryside and the amenities of the area.

- (5) No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a watching brief to be undertaken by an archaeologist approved by the Local Planning Authority so that the excavation is observed and items of interest and finds are recorded. The watching brief shall be in accordance with a written programme and specification 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.

- (6) Before relevant works commence large scale details of the proposed gates and piers for the pedestrian and vehicular gates, including details of materials, shall be submitted for approval to the Local Planning Authority. The works shall be implemented in accordance with the approved details.

Reason: To maintain the quality of the development.

- (7) The original access to the property shall be used as a pedestrian only access going forward.

Reason: In the interests of public safety.

- (8) The extent of the driveway between the road and the vehicular entrance gates shall be finished in a bound surface material, which shall also be porous, with any surface water run off being drained within the curtilage of the site.

Reason: In the interests of highway safety.

- (9) The works shall be carried out in accordance with the details contained in the submitted Stage 1 Road Safety Audit Report No. EC/2022/01/GTA2 and Access Plan - Drg no. 11166/101 Rev P3, and the layout of the new access, and the position of new native hedge planting shall be implemented as shown on the Proposed site plan - Drg no. 6895/21/1/B, and retained in perpetuity unless the Local Planning Authority gives consent to any variation.

Reason: In the interests of highway safety and to preserve the character and appearance of the site.

**The Council's approach to this application:**

In accordance with paragraph 38 of the National Planning Policy Framework (NPPF), the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and proactive manner by:

- Offering pre-application advice.
- Where possible, suggesting solutions to secure a successful outcome.
- 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.

A handwritten signature in black ink, appearing to read 'S. Baughen', with a stylized flourish extending to the right.

**Stephen Baughen**  
**Head of Planning**  
**Tunbridge Wells Borough Council**

**IMPORTANT: YOUR ATTENTION IS DRAWN TO THE ATTACHED NOTES**

## **NOTIFICATION TO APPLICANT FOLLOWING REFUSAL OF CONSENT OR GRANT OF CONSENT SUBJECT TO CONDITIONS**

### **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 the Town and Country Planning Act 1990, the Planning (Listed Buildings and Conservation Areas) Act 1990 or Control of Advertisements Regulations 1989.

Please see “Development Type” on page 1 of the decision notice to identify which type of appeal is relevant for the following:

- If this is a decision to refuse planning permission for a Householder application or a Minor Commercial application and you want to appeal the 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 decision, or any of the conditions imposed, within 6 months of the date of this notice.

For applications relating to Enforcement Notices:

- 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 decision on your application, then you must do so within 28 days of the date of this notice.
- If an enforcement notice is subsequently served and relates to the same or substantially the same land and development and if you want to appeal against the 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.

Appeals must be made to the Planning Inspectorate and further details can be found at <https://www.planningportal.co.uk/info/200207/appeals>.

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 advertisement consent 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.

## SGN Advisory note

**There are a number of risks created by built over gas mains and services; these are:**

1. Pipework loading – pipes are at risk from loads applied by the new structure and are more susceptible to interference damage.
2. Gas entry into buildings – pipework proximity increases risk of gas entry in buildings.
3. Leaks arising from previous external pipework able to track directly into main building from unsealed entry.
4. Occupier safety – lack or no fire resistance of pipework, fittings, or meter installation.
5. Means of escape could be impeded by an enclosed meter.

**Please note therefore, if you plan to dig, or carry out building work to a property, site, or public highway within our gas network, you must:**

1. Check your proposals against the information held at <https://www.linerearchbeforeudig.co.uk/> to assess any risk associated with your development **and**
2. Contact our Plant Protection team to let them know. Plant location enquiries must be made via email, but you can phone us with general plant protection queries. See our contact details below:

Phone 0800 912 1722 / Email [plantlocation@sgn.co.uk](mailto:plantlocation@sgn.co.uk)

**In the event of an overbuild on our gas network, the pipework must be altered, you may be temporarily disconnected, and your insurance may be invalidated.**

Further information on safe digging practices can be found here:

<https://www.sgn.co.uk/damage-prevention>

Our free Damage Prevention e-Learning only takes 10-15 minutes to complete and highlights the importance of working safely near gas pipelines, giving clear guidance on what to do and who to contact before starting any work

Further information can also be found here:

<https://www.sgn.co.uk/help-and-advice/diggingsafely>