



Mr Richard Foster
c/o Ms Goldie Hawkins
Hawkins & Hawkins
Hooters Moat Lane
Westfield
TN33 0RY

4 September 2024

PLANNING DECISION NOTICE

APPLICANT:	Mr Richard Foster
DEVELOPMENT TYPE:	Minor Dwellings
APPLICATION REFERENCE:	24/01665/FULL
PROPOSAL:	Change of use to residential, alterations to fenestration to all elevations, creation of new external wall
ADDRESS:	High Standings Rye Road Sandhurst Cranbrook Kent

The Council hereby **REFUSES** Permission/Consent for the above for the following Reason(s):

- (1) There is insufficient evidence that the proposal would not have a significantly harmful impact upon protected species. The ecological statement provided is inadequate. The proposal is thus contrary to the Chapter 15 of the National Planning Policy Framework 2023, Saved Policy EN1 of the Tunbridge Wells Local Plan 2006, Policies EN1 and EN9 of the Tunbridge Wells Borough Submission Local Plan 2021, and Core Policy 4 of the Tunbridge Wells Core Strategy 2010.

Informative(s):

- (1) The following plans and documents were taken into consideration in reaching this decision:
 - Application Form
 - Location Block Plan (HH0502FOS 9)
 - Existing Plans (HH0502FOS 10)
 - Proposed Plans (HH0502FOS 11)
 - Landscape, Ecology and Mitigation Strategy for Barn at High Standings

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 application was considered to be fundamentally contrary to the provisions of the Development Plan and the NPPF, and there were not considered to be any solutions to resolve this conflict.



Carlos Hone
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 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.

For applications refused on the grounds of Biodiversity Net Gain:

- If your application for the approval of the Biodiversity Gain Plan is refused by the local planning authority (acting as the planning authority for the plan), the person submitting the plan may appeal to the Secretary of State against the decision, under [section 78 of the Town and Country Planning Act 1990](#).
- There is no right to appeal where a Biodiversity Gain Plan is refused by the Secretary of State, (as the planning authority for the plan). Secretary of State decisions can only be challenged on certain statutory grounds, where a challenge is brought within 6 weeks of the decision under [section 288 of the Town and Country Planning Act 1990](#).

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.