



Mr and Mrs Mayell  
c/o Kent Design Studio  
Studio 1  
The Wool Store,  
Fullers Way  
Biddenden  
Ashford  
Kent  
TN27 8FQ

5 February 2025

## PLANNING DECISION NOTICE

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<b>APPLICANT:</b>	<b>Mr and Mrs Mayell</b>
<b>DEVELOPMENT TYPE:</b>	<b>Minor Dwellings</b>
<b>APPLICATION REFERENCE:</b>	<b>24/03096/FULL</b>
<b>PROPOSAL:</b>	<b>Proposed conversion and extension of existing barn to provide a single residential dwelling together with associated parking</b>
<b>ADDRESS:</b>	<b>Boxhurst Farm, Boxhurst, Sandhurst, Cranbrook, Kent, TN18 5PE</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:

- Drawing Number 4848 04 - Proposed Block Plan (received 06/12/24)
- Drawing Number 4848 05 - Proposed Floor Plan (received 06/12/24)
- Drawing Number 4848 06 - Proposed Elevations (received 06/12/24)
- Preliminary Ecological Appraisal dated 25th November 2024 (received 06/12/24)

Reason: To clarify which plans have been approved.

(3) Prior to the addition of any new materials, details of the external materials to be used including source, type and colour shall be submitted to and approved in writing. The development shall then be carried out in accordance with these details, and shall not be varied without details being first submitted to and approved in writing by the Local Planning Authority.

Reason: To maintain the quality of the development.

(4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and/or re-enacting that Order), no development shall be carried out within Classes A, B, C, D and E of Part 1 of Schedule 2 of that Order (or any Order revoking and re-enacting that Order), without prior planning permission of the Local Planning Authority.

Reason: In the interests of protecting the character and amenities of the locality.

(5) Prior to the first occupation of the development hereby permitted, details of any proposed fencing/boundary treatments shall be submitted to, and approved in writing by, the Local Planning Authority. The boundary treatments shall then be erected in accordance with the approved details, and no further boundary treatments shall be erected unless otherwise approved in writing by the Local Planning Authority.

Reason: In the interests of protecting the character and amenities of the locality.

(6) Prior to the first occupation of the development hereby permitted, details of the external lighting of the site shall be submitted to, and approved in writing by, the Local Planning Authority. External lighting shall be installed in accordance with the approved details, and no further external lighting shall be installed at any subsequent time.

Reason: In the interest of protecting the character and amenities of the locality.

(7) Before the development hereby approved is occupied, details for the storage and screening of refuse shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and the storage/screening measures thereafter retained.

Reason: To facilitate the collection of refuse, preserve visual amenity and to reduce the occurrence of pests.

- (8) The areas shown on the approved plans as vehicle parking/turning space, shall be provided and shall be retained for the use of the occupiers of, and visitors to, the development and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any Order revoking and re-enacting that Order) shall be carried out on that area of land so shown or in such a position as to preclude vehicular access to this reserved parking space.

Reason: In the interest of visual amenity and because development without provision of adequate accommodation for the parking of vehicles is likely to lead to parking inconvenient to other road users and highway safety issues.

- (9) The development shall be carried out in strict accordance with the ecological mitigation measures within paragraphs 6.4 - 6.10 of the Preliminary Ecological Appraisal (dated 25th November 2024).

Notwithstanding the submitted details, prior to the commencement of conversion works to the building a scheme for the enhancement of biodiversity on the site (which follows the recommendations of the approved Preliminary Ecological Appraisal (dated 25th November 2024) shall have been submitted to and approved in writing by the Local Planning Authority.

The approved scheme shall take account any protected species that have been identified on the site, and in addition shall have regard to the enhancement of biodiversity generally, and shall include a timetable for implementation. It shall be implemented in accordance with the approved proposals within it and shall be carried out in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect and enhance existing species on the site.

- (10) The area used for private garden shall be restricted only to the area annotated 'garden' on the approved plan Drawing Number 4848 04 - Proposed Block Plan (received 06/12/24).

Reason: In the interests of visual amenity.

- (11) A landscaping scheme for the site (which may include entirely new planting, retention of existing planting or a combination of both) shall be submitted to and approved in writing by the Local Planning Authority before the development is first occupied. Thereafter, the approved landscaping/tree planting scheme shall be carried out fully within 12 months of the completion of the development. Unless required to be retained for longer in accordance with a scheme of biodiversity net gain and enhancement, any trees or other plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species unless the Local Planning Authority give prior written permission to any variation.

Reason: In order to protect and enhance the amenity of the area.

## Informative(s):

- (1) It is important to note that Local Planning Authority (LPA) permission does not convey any approval to carry out works on or affecting the public highway.

Any changes to or affecting the public highway in Kent require the formal agreement of the Highway Authority, Kent County Council (KCC), and it should not be assumed that this will be a given because LPA planning permission has been granted.

For this reason, anyone considering works which may affect the public highway, including any highway-owned street furniture or landscape assets such as grass, shrubs and trees, is advised to engage with KCC Highways and Transportation at an early stage in the design process.

Across the county there are pieces of land next to private homes and gardens and near the highway that do not look like roads or pavements but are actually part of the public highway.

Some of this highway land is owned by Kent County Council whilst some is owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil.

Works on private land may also affect the public highway. These include works to cellars, to retaining walls which support the highway or land above the highway, and to balconies, signs or other structures which project over the highway. Such works also require the approval of the Highway Authority.

Kent County Council has now introduced a pre-application advice service in addition to a full formal technical approval process for new or altered highway assets, with the aim of improving future maintainability. Further details are available on our website below: <https://www.kent.gov.uk/roads-and-travel/highway-permits-and-licences/highways-permissionsand-technical-guidance>.

This process applies to all development works affecting the public highway other than applications for vehicle crossings, which are covered by a separate approval process. Further details on this are available on our website below: <https://www.kent.gov.uk/roads-and-travel/highway-permits-and-licences/apply-for-a-dropped-kerb/dropped-kerb-contractor-information>

Once planning approval for any development has been granted by the LPA, it is the responsibility of the applicant to ensure that before development commences, all necessary highway approvals and consents have been obtained, and that the limits of the highway boundary have been clearly established, since failure to do so may result in enforcement action being taken by the Highway Authority.

The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under the relevant 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.

Further guidance for applicants, including information about how to clarify the highway boundary and links to application forms for vehicular crossings and other highway matters, may be found on Kent County Council's website:

<https://www.kent.gov.uk/roads-and-travel/highway-permits-and-licences/highways-permissions-and-technical-guidance>. Alternatively, KCC Highways and Transportation may be contacted by telephone: 03000 418181.

- (2) As the development involves demolition and / or construction, the applicant is supplied with the Mid Kent Environmental Code of Development Practice:  
<https://tunbridgewells.gov.uk/environmental-codeof-development-practice> Broad compliance with this document is expected.


### **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 acceptable as submitted, subject to the addition of the conditions set out above.



**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 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>

## **Biodiversity Gain Information**

Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended by The Biodiversity Gain (Town and Country Planning) (Modifications and Amendments) (England) Regulations 2024) requires that where planning permission is granted, the written notice of the decision must include the following:

**There are 3 different scenarios that could apply to your development – these are set out below:**

**Where the local planning authority considers that approval of a Biodiversity Gain Plan will be required before development commences**

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition “(the biodiversity gain condition)” that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be Tunbridge Wells Borough Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed below.

Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements listed below are considered to apply.

The permission which has been granted has the effect of requiring or permitting the development to proceed in phases. The modifications in respect of the biodiversity gain condition which are set out in Part 2 of the Biodiversity Gain (Town and Country Planning) (Modifications and Amendments) (England) Regulations 2024 apply and/or the permission could be subject to the biodiversity gain condition.

Biodiversity gain plans are required to be submitted to, and approved by, the planning authority before development may be begun (the overall plan), and before each phase of development may be begun (phase plans).

**The Statutory exemptions and transitional arrangements in respect of the biodiversity gain condition are:**

1. The application for planning permission was made before 12 February 2024.
2. The planning permission relates to development to which section 73A of the Town and Country Planning Act 1990 (planning permission for development already carried out) applies.
3. The planning permission was granted on an application made under section 73 of the Town and Country Planning Act 1990 and



**(i)the original planning permission to which the section 73 planning permission relates\* was granted before 12 February 2024; or**

**(ii)the application for the original planning permission\* to which the section 73 planning permission relates was made before 12 February 2024.**

**4. The permission which has been granted is for development which is exempt being:**

**4.1 Development which is not ‘major development’ (within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015) where:**

- i) the application for planning permission was made before 2 April 2024;**
- ii) planning permission is granted which has effect before 2 April 2024; or**
- iii) planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 where the original permission to which the section 73 permission relates\* was exempt by virtue of (i) or (ii).**

**4.2 Development below the de minimis threshold, meaning development which:**

- i) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and**
- ii) impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).**

**4.3 Development which is subject of a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. A “householder application” means an application for planning permission for development for an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse which is not an application for change of use or an application to change the number of dwellings in a building.**

**4.4 Development of a biodiversity gain site, meaning development which is undertaken solely or mainly for the purpose of fulfilling, in whole or in part, the Biodiversity Gain Planning condition which applies in relation to another development.**

**4.5 Self and Custom Build Development, meaning development which:**

- i) consists of no more than 9 dwellings;**
- ii) is carried out on a site which has an area no larger than 0.5 hectares; and**
- iii) consists exclusively of dwellings which are self-build or custom housebuilding (as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015).**

\* “original planning permission means the permission to which the section 73 planning permission relates” means a planning permission which is the first in a sequence of two or more planning permissions, where the second and any subsequent planning permissions are section 73 planning permissions.

### **Irreplaceable habitat**

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans.

The Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat.

The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat is minimised and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.

### **The effect of section 73D of the Town and Country Planning Act 1990**

If planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 (application to develop land without compliance with conditions previously attached) and a Biodiversity Gain Plan was approved in relation to the previous planning permission (“the earlier Biodiversity Gain Plan”) there are circumstances when the earlier Biodiversity Gain Plan is regarded as approved for the purpose of discharging the biodiversity gain condition subject to which the section 73 planning permission is granted.

Those circumstances are that the conditions subject to which the section 73 permission is granted:

- i) do not affect the post-development value of the onsite habitat as specified in the earlier Biodiversity Gain Plan, and
- ii) in the case of planning permission for a development where all or any part of the onsite habitat is irreplaceable habitat the conditions do not change the effect of the development on the biodiversity of that onsite habitat (including any arrangements made to compensate for any such effect) as specified in the earlier Biodiversity Gain Plan.

The permission which has been granted has the effect of requiring or permitting the development to proceed in phases. The modifications in respect of the biodiversity gain condition which are set out in Part 2 of the Biodiversity Gain (Town and Country Planning) (Modifications and Amendments) (England) Regulations 2024 apply and/or Biodiversity gain plans are required to be submitted to, and approved by, the planning authority before development may be begun (the overall plan), and before each phase of development may be begun (phase plans).

**Where the local planning authority considers that approval of a Biodiversity Gain Plan will not be required before development commences (eg. Householder development or one of the exemptions set out above.)**

**Subject to the above criteria, and**

Based on the information available this permission is considered to be one which will not require the approval of a biodiversity net gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements are considered to apply.

**Where it is not known whether at the time of granting planning permission whether approval if a Biodiversity Gain Plan will be required before development commences (eg. Outline applications)**  
**Subject to the above criteria, and**

On the basis of the information provided to determine the application, it is not possible to indicate whether it is considered that this planning permission is one which will require the approval of a biodiversity gain plan before development is begun. This is due to e.g. landscaping, layout and scale of the development has been reserved for subsequent approval so it cannot be determined whether the permission would be subject to the de minimis exemption.

Before commencing development, you should consider whether a Biodiversity Gain Plan needs to be submitted and approved. Commencing development which is subject to the biodiversity gain condition without an approved Biodiversity Gain Plan could result in enforcement action for breach of planning control.

Further information and support can be found at:

<https://www.gov.uk/guidance/biodiversity-net-gain>

<https://tunbridgewells.gov.uk/planning/planning-policy/biodiversity-net-gain>