

Decision Notice

MC/21/0655



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Applicant Name:
St Sepulchre (Finsbury) United Char

Town and Country Planning Act 1990: SECTION 192 (AS AMENDED BY SECTION 10 OF THE PLANNING & COMPENSATION ACT) 1991

Location: Stone House Farm, Dillywood Lane, Wainscott, Rochester, Medway

Proposal: Application for lawful development certificate (proposed) to remove an existing modern white timber fence, excavate existing grass away to allow the installation of the parking hardstanding strips for two cars. The hardstanding strips will be porous to prevent any surface water discharging onto the road.

NOTIFICATION OF GRANT OF CERTIFICATE OF PROPOSED LAWFUL USE OR DEVELOPMENT

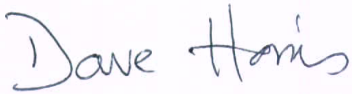
Take Notice that the Medway Council in pursuance of its powers under the above Acts hereby certifies that the operations specified in your application dated 8 March 2021 and described in the proposal herein in respect of the land specified in the location herein and edged red on the plan attached to this Certificate would be lawful within the meaning of Section 192(1)(b) of the Town and Country Planning Act 1990 (as amended) for the following reason:-

- 1 The proposed works constitute permitted development under the provisions of Schedule 2, Part 1, Class F and Part 2, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Your attention is drawn to the following informative(s) :-

- 1 The hard surface would be situated on land between a wall forming the principal elevation of the dwellinghouse and a highway, and
The area of ground covered by the hard surface, or the area of hard surface replaced, would exceed 5 square metres

Either the hard surface shall be made of porous materials, or provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwellinghouse
- 2 You are advised to contact the Highways Department on (01634) 331835 with regards to obtaining the necessary permissions for the construction of the proposed vehicle crossing and any other works affecting the public highway.
- 3 You are advised that Listed Building Consent may be required for the works (internal or external) that affect the listed building or is within the setting of the listed building.
- 4 This decision takes account of the Planning Application Form, Design and Access Statement and drawing number 1849-01 received 8 March 2021.



David Harris
Head of Planning
Date of Notice 30 April 2021

NOTES

1. The applicant is reminded that this certificate relates to planning legislation only and does not constitute approval under any other legislation including Building Regulations. To obtain advice on current Building Regulations the applicant should contact the Building Control Section of the Medway Council.
2. This certificate is issued solely for the purpose of Section 192 of the Town and Country Planning Act 1990 (as amended).
3. If this certificate is granted it certifies that the matter specified on the described land would be lawful on the specified date and thus would not be liable to enforceable action under Section 172 of the 1990 Act on that date.
4. This certificate applies only to the extent of the matter specified to the described land, as identified on the attached plan. Any matter which is materially different from that described and which relates to other land may render the owner or occupier liable to enforcement action.
5. The effect of the certificate is also qualified by the proviso in Section 192(4) of the 1990 Act, as amended, which states that the lawfulness of a described development is only conclusively presumed where there has been no material change, before the development is begun, in any of the matters relevant to determining such lawfulness.

TOWN & COUNTRY PLANNING (APPEALS) (WRITTEN REPRESENTATIONS) (ENGLAND) (AMENDMENT) (REGULATIONS 2013)

TOWN AND COUNTRY PLANNING ACT 1990

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 you want to appeal against your Local Planning Authority's decision then you must do so within **12 weeks** from the date of this notice for appeals being decided under the **Commercial Appeals Service** and **6 months** from the date of this notice for all other **minor and major applications**.
 - However, if an enforcement notice has been served for the same or very similar development within the previous 2 years, the time limit is:
 - **28 days** from the date of the LPA decision if the enforcement notice was served before the decision was made yet not longer than 2 years before the application was made.
 - **28 days** from the date the enforcement notice was served if served on or after the date the decision was made (unless this extends the appeal period beyond 6 months).
 - Appeals must be made using a form which you can obtain from the Planning Inspectorate by contacting Customer Support Team on 0303 444 50 00 or to submit electronically via the Planning Portal at

https://www.planningportal.co.uk/info/200207/appeals/110/making_an_appeal

Commercial Appeals Service

- This type of appeal proceeds by way of written representations, known as the "Commercial Appeals Service". Third parties will not have the opportunity to make further representations to the Planning Inspectorate on these.

All other Minor and Major Applications

- 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 on their decision on a direction given by him.

Purchase Notes

- If either the Local Planning Authority or the Secretary of State refuses permission to development land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor 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.