

Planning Statement

Site: Stoneleigh House, Tram Road, Folkestone, Kent, CT20 1QR

Proposal: Erection of an apartment building of 14 No. residential units (2 x affordable rented units) with associated car parking, cycle parking, bin storage, landscaping and vehicle access (following the demolition of Stoneleigh House) and parking provision for George Stone House.

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On behalf of: Zanchi House Ltd

Date: August 2026

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1 Introduction

- 1.1 This Planning Statement supports a FULL planning application for 'Erection of an apartment building of 14 No. residential units with associated car parking, cycle parking, bin storage and landscaping (following the demolition of Stoneleigh House) and parking provision for George Stone House' at Stoneleigh House, The Tram Road, Folkestone, Kent.
- 1.2 This application is effectively a resubmission of planning permission Y16/0333/SH (Decision Notice attached at Appendix 1) – the main change being the addition of balconies and private amenity areas for the proposed flats to address the requirements of Local Plan policy HB3. A communal garden area is also proposed at the rear of the building as per the previous approval.
- 1.3 The design, scale, height and siting of the building has been accepted previously (including a light assessment, the window orientation and some obscure glazing) and, there have been no significant changes in the context or character of immediate area that would alter the previous design and amenity assessment made the by the Council.
- 1.4 Several windows on the southern elevation of the building will be oriel windows and / or obscure glazed to safeguard neighbour amenity, which can be secured by a suitably worded condition – as per condition 15 and 16 of permission Y16/0333/SH.
- 1.5 All the residential units exceed the minimum space standards set out in the Technical housing standards in accordance with Local Plan policy HB3.
- 1.6 11 car parking spaces are proposed for the flats in accordance with Local Plan policy T2, which states that reduced, or even nil parking provision is encouraged in edge of centre locations in support of demand management and the most efficient use of land. Eight dedicated parking spaces are proposed for George Stone House. 39 cycle parking spaces are proposed - one space for each occupant of the proposed building.
- 1.7 The site comprises previously developed land in a sustainable edge of centre location where the principle of new residential development is supported. Significant support for the proposal is provided at NPPF Policy S4 which states development proposals within settlements should be approved unless the benefits of doing so would be substantially outweighed by any adverse effects and, NPPF Policy L2 which states substantial weight should be given to the benefits where a development proposal would make better use of vacant and underutilised land and buildings such as redeveloping underutilised sites.
- 1.8 The Council are unable to demonstrate a 5-year supply of housing and housing delivery has fallen to 57%, therefore the presumption in favour of sustainable development applies. In the absence of any adverse impacts, the social, economic and environmental benefits associated with the proposal, dictate that planning permission should be granted.

2 Application Site

- 2.1 The site is located within the urban area of Folkestone, within the defined town settlement boundary and an established mixed-use area comprising residential and commercial uses. The site occupies a position on the western side of Tram Road, approximately midway along the road within the eastern part of the town.
- 2.2 The site is currently occupied by a vacant / derelict two-storey office building, together with extensive areas of hardstanding to the side and rear. The existing development therefore has an established commercial character and forms part of the built-up urban context of Tram Road.



Fig. 1. Site Location Plan

- 2.3 The surrounding built environment comprises a mixture of residential and commercial uses and includes a number of substantial multi-storey buildings. Immediately to the north is George Stone House, a residential block of flats, while Randolph House, another substantial residential block, is located to the south. Residential properties within Harbour Way and Saffron's Place are situated to the rear of the site. These properties occupy land at a significantly higher level and are separated from the application site by a high level retaining wall which accommodates the change in ground levels.
- 2.4 To the east, opposite the site frontage, is the former harbour railway line and Folkestone Boat Club park. The site and wider section of Tram Road are characterised by notable variations in land levels. The land generally rises gradually in a southerly to northerly direction along Tram Road, such that the site is positioned on a gently sloping part of the urban landscape.

- 2.5 Overall, the site is located within an established urban area characterised by a mix of residential and commercial development, substantial four storey buildings and significant changes in topography. The immediate context is therefore not characterised by a uniform building form or consistent scale, but by a varied urban environment in which the existing office building forms an established component.

3 Planning History

- 3.1 Y16/0333/SH - Erection of an apartment building of 14 no. affordable housing residential units with associated parking (following the demolition of Stoneleigh House) and parking provision for George Stone House – Approved with conditions
- 3.2 Planning permission Y16/0333/SH has not been implemented and has therefore expired.
- 3.3 The current application is essentially a resubmission of planning permission Y16/0333/SH – the only change being the addition of balconies and private amenity areas for the flats to address the requirements of Local Plan policy HB3. A communal garden area is also proposed at the rear of the building as per the previous approval.
- 3.4 The current application does not propose all 14 units as affordable housing and instead adopts a policy led approach, with two units proposed to be affordable.

4 Proposal

- 4.1 Erection of an apartment building of 14 No. residential units (2 x affordable rented units) with associated car parking, cycle parking, bin storage, landscaping and vehicle access (following the demolition of Stoneleigh House) and parking provision for George Stone House.
- 4.2 The residential accommodation proposes:
- Ground floor: 1 x 1-bed and 3 x 2 bed
 - First floor: 1 x 1 bed and 3 x 2 bed
 - Second floor: 1 x 1 bed and 3 x 2 bed
 - Third floor: 2 x 2 beds
 - 14 residential units in total,
 - Two units as afforded housing for rent (one x 1-bed and one x 2-bed)
 - 1-bed units measure circa 52sqm & the 2-bed units measure circa 68sqm
- 4.2 11 dedicated car parking spaces are proposed for the flats with a further eight dedicated parking spaces for the adjacent site a George Stone House. The shared parking area and turning areas are located to the north of the proposed building, behind George Stone House.

- 4.3 One cycle parking space is proposed for each occupant (39 in total) of the proposed development, in a dedicated cycle storage unit located behind the development.
- 4.4 Refuse storage is proposed at ground floor level in the existing building located in the northwest corner of the parking area, as per the previous application.
- 4.5 Landscaping includes mixed native planting along the front of the building facing Tram Road. Further native planting and tree planting is proposed to the side and rear of the building, along with communal and private gardens.
- 4.6 Vehicle access is proposed in the previously approved location between the proposed development and George Stone House and the submitted plans show the required visibility splays along Tram Road.

5 Planning Policy Framework

- 5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the Development Plan unless material considerations indicate otherwise.

Development Plan

- 5.2 The adopted development plan for Folkestone & Hythe District Council comprises the Core Strategy Review (2022) and the Places and Policies Local Plan (2020), along with the St Mary in the Marsh NP (2019); and the Kent Minerals & Waste Local Plan (2016).

Core Strategy Review 2022

- **Policy SS1** (District Spatial Strategy)
- **Policy SS2** (Housing and Economy Growth Strategy)
- **Policy SS3** (Place-Shaping and Sustainable Settlements Strategy)
- **Policy CSD1** (Balanced Neighbourhoods)
- **Policy CSD2** (District Residential Needs)

Places and Policies Local Plan (2020)

- **Policy HB1** (Quality Places Through Design)
- **Policy HB2** (Cohesive Design)
- **Policy HB3** (Internal and External Space Standards)
- **Policy T2** (Residential Parking Standards)
- **Policy T5** (Cycle Parking Standards)
- **Policy NE2** (Biodiversity)
- **Policy C1** (Creating A Sense of Place)
- **Policy CC1** (Reducing Carbon Emissions)
- **Policy CC2** (Sustainable Design and Construction)

National Planning Policy Framework

- 5.3 The overarching principle of the NPPF is a clear presumption in favour of sustainable development. In terms of determining applications this means approving development proposals that accord with the development plan without delay.
- 5.4 The most relevant August 2026 NPPF policies are listed below:
- Paragraph 17 – Achieving sustainable development
 - DM1: Preparing development proposals
 - S3: Presumption in favour of sustainable development
 - S4: Principle of development within settlements
 - CC1: Planning for climate change
 - CC2: Mitigation of climate change
 - CC3: Adaptation to climate change
 - HO1: Assessing the need for homes
 - HO3: Providing land for homes
 - HO7: Meeting the need for homes
 - HO8: Providing affordable homes
 - W1: Planning for energy and water
 - L1: Planning for an effective use of land
 - L2: Making effective use of land
 - L3: Achieving appropriate densities
 - DP3: Key principles for well-designed places
 - DP4: The design process
 - TR2: Local parking standards
 - TR3: Locating development in sustainable locations
 - TR4: Street design, access and parking
 - HC1: Planning for healthy communities
 - P3: Living conditions and pollution
 - N2: Improving the natural environment
 - N3: Trees in new development

6 Five Year Housing Supply & Housing Delivery Test (HDT)

- 6.1 Folkestone & Hythe District Council is unable to demonstrate a five-year supply of deliverable housing sites. The Council's current housing land supply position is approximately 3.1 years, which represents a significant shortfall against the minimum five-year supply required by the National Planning Policy Framework (NPPF).

- 6.2 The position is reinforced by the latest Housing Delivery Test (HDT) results published on 17 August 2026. The Council's HDT result is 57%, reflecting the delivery of only 1,120 homes against a requirement of 1,979 homes over the relevant three-year measurement period. The result is therefore substantially below the 75% threshold at which the NPPF identifies an evidenced unmet need for housing.
- 6.3 The August 2026 NPPF has materially revised the way in which the presumption in favour of sustainable development operates. Policy S3 establishes a presumption in favour of sustainable development. For development proposals within settlements, Policy S4 applies and states that development proposals within settlements should be approved unless the benefits of doing so would be substantially outweighed by any adverse effects, when assessed against the decision-making policies in the NPPF.
- 6.4 The Council's housing supply and delivery position is particularly important in applying these policies. Annex D of the August 2026 NPPF provides that where housing delivery falls below 75% of the requirement over the previous three years, an evidenced unmet need for housing is deemed to exist for the purpose of applying Policy S5(1)(j). This is in addition to the requirement for a Housing Delivery Action Plan and the application of the 20% housing land supply buffer.
- 6.5 The August 2026 NPPF therefore gives significant policy weight to the delivery of additional housing in Folkestone & Hythe at this time. Policy HO7 states that substantial weight should be given to the benefits of providing homes which will contribute towards meeting the evidenced accommodation needs of the community.
- 6.6 The site is located within a sustainable urban area and would make a direct contribution to the supply of new housing at a time when the Council has both a substantial shortfall in its five-year housing land supply and a significant record of under-delivery against its housing requirement.
- 6.7 In addition, the proposal does not give rise to any of the circumstances identified in Policy S4 in which the benefits of development are likely to be substantially outweighed by adverse effects. In particular, the development would not result in a substantial adverse impact upon protected or safeguarded land uses, would not involve the loss of land used for water storage or flood-risk management, and would comply with the relevant national decision-making policies. Policy S4 specifically identifies these circumstances as relevant considerations in determining whether the benefits of development are substantially outweighed by adverse effects.
- 6.8 The proposal must therefore be assessed against the August 2026 NPPF under the presumption of sustainable development and in support of housing delivery. Taken together, the five-year housing land supply shortfall, the 57% HDT result and the deemed unmet need for housing are significant material considerations which weigh substantially in favour of granting planning permission, particularly where, as here, the proposal is located within a sustainable urban area and would contribute directly to housing delivery.

- 6.9 The proposed development represents sustainable development in the terms of the August 2026 NPPF. The substantial weight expressly afforded by HO7 to the provision of homes, together with the Council's significant housing supply and delivery shortfalls and the deemed unmet housing need arising from the 57% HDT result, strongly supports the grant of planning permission.
- 6.10 The planning balance therefore weighs in favour of the proposed development. Unless there are site-specific adverse impacts which, when properly assessed against the national decision-making policies, would substantially outweigh these benefits, planning permission should be granted in accordance with the presumption established by Policies S3 and S4 of the August 2026 NPPF.

7 Enhancements and Benefits

- 7.1 The proposed development would deliver a number of clear planning benefits and material enhancements to the application site and wider area, including:
- the delivery of additional housing at a time of acute housing land supply shortfall;
 - the efficient redevelopment and re-use of previously developed land;
 - development in a sustainable edge of centre location;
 - a high-quality form of residential development and accommodation;
 - significant visual enhancement of the site and surrounding area;
 - employment / construction opportunities for small scale local developers;
 - constitutes sustainable development; and
 - meets the social, economic and environmental objectives of the NPPF.
- 7.2 These benefits attract substantial weight in favour of the proposal. In particular, the delivery of new housing in a sustainable location must be afforded significant weight given the Council's current failure to maintain a five-year supply of deliverable housing sites and 57% housing delivery.
- 7.3 The proposal would also contribute positively to the environmental, social and economic objectives of sustainable development set out in the NPPF by:
- Enhancing the built environment, including making efficient use of land (an environmental objective);
 - Providing high quality well designed new homes in a sustainable location (a social objective)
 - Providing local employment during the construction phase and ensuring that sufficient land of the right types is available in the right places and at the right time to support growth (an economic objective).
- 7.4 In summary, the proposal provides a number of significant enhancements and benefits and would constitute a sustainable form of development in accordance with the aims and of objectives of the NPPF.

PLANNING ASSESSMENT

8 Principle of development

- 8.1 The application proposes new residential development in a sustainable urban area on the edge of Folkestone town centre.
- 8.2 The principle of the development is acceptable and accords with the principles of Core Strategy policies SS1 and SS3, which directs new residential development toward existing sustainable settlements with opportunity for increased densities within the town centre and urban areas.
- 8.3 Significant support for the proposal is also provided for the proposed development under NPPF Policy S4 which states development proposals within settlements should be approved unless the benefits of doing so would be substantially outweighed by any adverse effects and NPPF Policy L2 which states substantial weight should be given to the benefits where a development proposal would make better use of vacant and underutilised land and buildings such as: redeveloping underutilised land and buildings, including business sites.

9 Design and Visual Impact

- 9.1 The design and visual appearance of the proposed development should be assessed against the policies of the adopted development plan, principally Policy SS3 of the Core Strategy Review (2022) and Policies HB1 and HB2 of the Places and Policies Local Plan (2020). Policy SS3 requires new development to deliver high-quality and sustainable design, while Policies HB1 and HB2 seek a high standard of layout, design and materials and require development to respond appropriately to its surroundings and local character.
- 9.2 The proposal should also be considered against NPPF Policy DP3 which states development proposals should respond to their context (the history, character and features of their site and its setting), so that they integrate with and enhance their surroundings; such as through the arrangement of development plots and buildings, the use of materials and architectural features. This should not preclude innovation or change where appropriate, especially where an increased scale or density of development is justified in accordance with policies L2 and L3 of the NPPF.

Assessment of the Proposal

- 9.4 The application is a resubmission of the development previously considered and approved under application reference Y16/0333/SH. The principle of the design approach has therefore previously been assessed by the Council's officers, who concluded that the proposed development would enhance the overall quality of the area.

- 9.5 The existing appearance of the site is poor. The existing office building is of poor architectural quality and, having remained vacant for a considerable period has been subject to vandalism and currently makes a negative contribution to the appearance of the area. The rear of the site has also been used previously for car sales, while land to the rear of George Stone House provides ad-hoc parking on a partly unmade surface. The existing use and appearance of the site consequently fail to enhance the character or visual quality of this part of Folkestone.
- 9.6 The proposed development would replace this poor-quality and underutilised site with a comprehensive residential development of a coherent architectural character. The development comprises two linked blocks, with a four-storey element fronting Tram Road and a three-storey element positioned towards the rear of the site.
- 9.7 The overall scale, massing and form of the development remain appropriate to the established urban context. The site is positioned between substantial existing buildings, including Randolph House and George Stone House. Randolph House is four storeys in height, including accommodation within the roof space, while George Stone House is also a substantial four-storey flat roof building. The proposed development would therefore sit within an established context of substantial urban buildings rather than introducing an isolated or incongruous building of excessive scale.
- 9.8 The design adopts a simple and contemporary architectural approach. This is appropriate to the character of the site and its surroundings, while the proposed use of red brick reflects a material commonly found within the Victorian and historic built fabric of Folkestone. The use of brick also provides a direct visual relationship with the adjacent Randolph House and George Stone House.
- 9.9 The flat-roofed form is an important component of the design and follows the same form as George Stone House. Significantly, the flat roof, scale and design of the development has been accepted previously by the Council and there have been no significant changes to the character or context of the immediate area since the last application was approved.
- 9.10 The depth of the development and recessed rear section also provides opportunities for architectural interest on the northern flank, including windows and balconies which would be visible from Tram Road through the gap formed by the access road between the adjacent buildings. This assists in avoiding the creation of a blank or visually inactive elevation and contributes to the overall articulation of the development.

The Addition of Balconies

- 9.11 The resubmitted scheme introduces balconies to the residential accommodation in accordance with Local Plan policy HB3. The balconies form an integral part of the revised architectural composition and do not represent an unrelated addition to the previously assessed design.

- 9.12 The inclusion of balconies provides a number of design benefits. They introduce additional articulation and depth to the elevations, provide visual relief to the building façades and assist in breaking up the perception of the building mass, therefore enhancing the design overall compared to the previously approved scheme. The balconies also provide external amenity space for the proposed residential accommodation, contributing to the creation of high-quality homes in accordance with Local Plan policy HB3.
- 9.13 The surrounding buildings are substantial, urban residential and mixed-use blocks. Although it is noted that none of the immediate buildings incorporate balconies, the use of projecting balconies is an essential component of the resubmitted scheme and an appropriate and common architectural feature on modern buildings. The balconies would therefore reinforce the contemporary character of the scheme while maintaining its overall coherence and improving living standards.
- 9.14 Their design, position and relationship to the building façades ensure that they form part of the architectural language of the development rather than appearing as visually discordant additions. The introduction of balconies creates a more visually interesting and attractive building.
- 9.15 Importantly, the introduction of balconies does not materially alter the established scale, height or overall massing of the development previously assessed under application Y16/0333/SH. The principal design characteristics which informed the previous officer assessment remain unchanged. The revised scheme continues to provide a comprehensive redevelopment of a poor-quality and underutilised site, with a building form appropriate to its urban context.

Relationship with the Surrounding Area

- 9.16 The proposed development responds positively to its immediate surroundings. The scale of the development reflects the substantial built form already established along Tram Road, while the use of red brick provides a clear relationship with the local architectural context.
- 9.17 The proposed development adopts a contemporary architectural approach which draws upon local materials and the established scale and form of the surrounding urban environment. This is consistent with the NPPF's recognition that good design should be sympathetic to local character while not preventing or discouraging appropriate innovation or change.
- 9.18 The development would also result in a significant improvement to the visual appearance of the site. The replacement of the existing vacant and visually poor office building, together with the removal of the existing unattractive and informal parking areas, would provide a clear opportunity to enhance the quality and character of the area, while providing high quality new housing development at an appropriate density for this location.

- 9.19 The proposed landscaping, boundary treatments and external areas would further contribute to this enhancement. Native landscaping would be introduced at the front of the site along Tram, where none exists at present. Further native landscaping and tree planting is proposed within the site, to the side and rear of the building.
- 9.20 Although the precise details of hard and soft landscaping can be secured through an appropriate planning condition, the layout provides opportunities for the incorporation of private gardens and communal areas and associated landscaping. Details of planting, boundary treatments, hard surfacing and long-term maintenance can be controlled through appropriately worded conditions.

Design Conclusion

- 9.21 The revised development represents a high-quality and appropriate response to the character and context of the site and surrounding area. The proposal would replace an unattractive and underutilised site with a comprehensive residential development of a coherent contemporary architectural character.
- 9.22 The scale and massing of the development are appropriate to the established urban context, being located between substantial existing buildings. The use of red brick reflects the local character of Folkestone, while the contemporary architectural approach, including the introduction of balconies, provides appropriate innovation and architectural interest.
- 9.23 The balconies enhance the articulation of the building elevations, provide valuable external amenity space and contribute to the creation of a more varied and visually interesting architectural composition. They do not result in an unacceptable increase in the overall scale or massing of the development.
- 9.24 The proposal would therefore satisfy the requirements of Core Strategy Review Policy SS3 and Places and Policies Local Plan Policies HB1 and HB2, and would accord with the design objectives of NPPF. The development would function well, improve the appearance and quality of the site, respond appropriately to its urban context and provide a high-quality addition to the built environment. On this basis, there is no design or visual appearance reason why planning permission should be withheld.

10 Impact on Residential Amenity

- 10.1 Local Plan Policy HB1 is relevant, requiring development to protect the amenity of existing and future occupiers, including in relation to privacy, loss of light and outlook. The NPPF requires development to create places with a high standard of amenity for existing and future users.

- 10.2 The previously approved application was assessed by the Council in detail with respect to the potential impact upon the amenity of neighbouring residential properties. The Officer's Report concluded that the proposal would not result in unacceptable harm to neighbouring occupiers in terms of privacy, overlooking, daylight, sunlight or overshadowing, subject to appropriately worded planning conditions – see Appendix 1.
- 10.3 The current proposal remains materially consistent with the development previously assessed under application 16/0333/SA. The principal change relevant to neighbour amenity is the introduction of balconies. The balconies have been designed so that they do not provide direct overlooking towards neighbouring properties. Where considered necessary, appropriate obscure screening to the side elevations of the some of the balconies can be secured by planning condition.
- 10.4 In addition, there have been no changes to the context and character of urban environment immediately adjacent to the application site since the last application was assessed and approved by the Council.

Privacy and Overlooking

- 10.5 The relationship between the proposed development and the neighbouring properties at Randolph House, George Stone House and Saffron's Place remains substantially as previously assessed.
- 10.6 In respect of Randolph House, the southern flank of the proposed building incorporates oriel windows with partial obscure glazing. These have been designed to redirect outlook away from the windows within the northern flank of Randolph House. As previously established by the Officer's Report, this arrangement avoids direct window-to-window views, with the oriel windows positioned opposite the existing bedroom windows. As per the previous application the obscure glazing can be secured by an appropriately worded condition.
- 10.7 The lounge windows serving the south-west section of the building include secondary windows which could provide some oblique views towards the existing bedroom windows of Randolph House. As with the previously approved scheme, any such windows above ground floor level can be secured with obscure glazing by planning conditions where necessary.
- 10.8 The new balconies have been positioned and designed so that they do not create direct overlooking towards the neighbouring properties. No balconies are proposed on the south elevation of the building facing Randolph House. In circumstances where there is considered to be any potential for oblique views from the sides of the balconies (towards Randolph House for example) suitable obscure screening can be secured by condition. This would ensure that the balconies do not result in an unacceptable increase in overlooking or loss of privacy compared with the previously approved arrangement.

- 10.9 The terraced houses at Saffron's Place are situated at a significantly higher ground level than the application site. As previously noted in the Officer Report, the three-storey rear block would not result in overlooking or other material harm to these properties. Further, the balconies proposed on the west / rear elevation would be located further away from the residential properties in Saffron's Place than the previously approved windows – in this regard the rear balconies would be located on the recessed part of the rear section of the building and therefore would not result in any increased overlooking towards Saffron's Place compared to the rear windows in previously approved scheme.
- 10.10 The balconies introduced on the north elevation would be located on the rear section of the building and would face towards the shared parking area to safeguard the residential amenities of George Stone House.
- 10.11 Overall, the proposed development would maintain an acceptable relationship with neighbouring residential properties in terms of privacy and overlooking. The proposed balconies do not give rise to any material additional overlooking and, if required, side screening can be secured through an appropriately worded planning condition.

Daylight, Sunlight and Overshadowing

- 10.12 The impact upon daylight and sunlight to Randolph House is also materially unchanged from the assessment undertaken in connection with application 16/0333/SA.
- 10.13 The previous application was supported by a comprehensive daylight and sunlight assessment which the Council assessed in detail within the Officer Report for approved application 16/0333/SA. As there have been no material changes in the context or character of the immediate area since the previous application was approved this assessment remains unchanged.
- 10.14 The living room windows of Randolph House would not have the proposed building within their principal natural outlook as confirmed by the Council previously. The northern elevation bedroom windows would face the southern flank wall of the proposed building at a separation distance of approximately 11.2 metres. As recognised in the previous Officer's Report, this separation distance is considered acceptable within the urban context, particularly having regard to the existing relationship between the ground floor flat at Randolph House and the boundary fence, which is approximately 2.3 metres away.
- 10.15 The kitchen windows on the northern elevation of Randolph House would experience some effect from the proposed building. However, these windows are not considered to benefit from significant levels of natural daylight in the existing situation, owing to the orientation of Randolph House. Any reduction in daylight would therefore be limited and would not represent a level of harm sufficient to warrant refusal, as confirmed in the previous Officer's Report.

- 10.16 The daylight assessment submitted with the previously approved application considered the effect upon the bedrooms and living rooms of Randolph House. The bedrooms within the rear part of Randolph House, extending from ground to third floor, face across the existing open part of the application site. Under the proposal, these windows would face the southern flank wall of the proposed rear block at approximately 11.2 metres. The daylight assessment identified a reduction in Average Daylight Factor (ADF) from approximately 1.45% to 1.04%. This remained above the 1% ADF guideline referenced for bedrooms within the BRE daylight assessment methodology, and was accepted by the Council previously.
- 10.17 In relation to the living rooms in Randolph House, which face west, the previous assessment identified an existing ADF of approximately 0.92% for the northern living rooms. The daylight assessment indicated that this would reduce marginally to approximately 0.90% as a result of the proposed development, which was considered to represent a negligible effect and, was accepted by the Council previously.
- 10.18 The previous Officer's Report therefore concluded that the resulting loss of daylight to Randolph House did not warrant refusal of the application. That conclusion remains applicable to the current proposal.
- 10.19 In terms of sunlight and overshadowing, the proposed building is located to the north of Randolph House. Consequently, it would not result in a significant additional overshadowing effect upon the neighbouring property. The introduction of balconies would not materially alter this relationship or result in a significant additional impact upon sunlight or daylight.
- 10.20 As per the previously approved scheme the refuse storage area is proposed in the car park area in an existing building located in the northwest corner of the application site.

Overall Amenity Assessment

- 10.21 The neighbour amenity relationship established by the previously approved application 16/0333/SA is maintained by the current proposal. The comprehensive assessment undertaken at that time concluded that the development would not result in unacceptable harm to neighbouring residential amenity in terms of privacy, overlooking, daylight, sunlight or overshadowing.
- 10.22 The only material change relevant to neighbour amenity is the introduction of balconies which have been carefully designed so that they do not overlook neighbouring properties. Should the Council consider that additional protection is necessary to prevent oblique views towards the neighbouring development, obscure screening to the side elevations of the balconies can be secured by an appropriately worded planning condition.

- 10.23 Accordingly, the proposal would provide an acceptable standard of neighbouring residential amenity and would not result in any material additional harm when compared with the previously approved scheme. There is therefore no neighbour amenity reason why planning permission should be withheld, subject to the imposition of suitable conditions where necessary to secure the proposed obscure glazing and balcony screening arrangements.

11 Living Standards of future occupants

- 11.1 Local Plan policy HB3 adopts the residential living standards in the 'Technical housing standards - nationally described space standard' to ensure new developments provide adequate internal space for residents to undertake everyday activities comfortably.
- 11.2 Policy HB3 also requires the provision of a private usable balcony area with a minimum depth of 1.5m for flats as long as it does not reduce privacy of neighbouring properties.
- 11.3 The residential accommodation proposes 14 units in total, comprising 3 x 1-bed units and 11 x 2-bed units.
- 11.4 The one bed units measure circa 52sqm & the two bed units measure circa 68sqm in accordance with policy HB3 and the Technical housing standards.
- 11.5 In addition, all the open plan living areas would be dual aspect providing good ventilation and good quality living standards for the future occupants.
- 11.6 The previous Officer Report acknowledges the location of the high level retaining wall at the rear of the site and concluded that this wall would not have an overbearing impact or result in a loss of daylight to any of the residential units.
- 11.7 All the flats have either a private balcony or patio area in accordance with Local Plan policy HB3. In addition to this there is a communal garden to the rear of the building as per the previously approved scheme.
- 11.8 In summary, the proposal would provide a high standard of living accommodation for future occupants in accordance with Local Plan policy HB3 and the Technical housing standards - nationally described space standards.

12 Parking & Sustainable Transport

- 12.1 The application site is located in a sustainable edge of town centre location with good access to the services and facilities, including bus stops and the train station.
- 12.2 Local Plan policy T2 sets the parking provision for new residential development and requires a maximum of one parking space per flat. Policy T2 also states that reduced, or even nil parking provision is encouraged in town centre and edge of centre locations such as this, in support of demand management and the most efficient use of land.

- 12.3 The development would provide 11 on-site car parking spaces to serve the 14 proposed residential units. This equates to an average provision of approximately 0.79 spaces per dwelling.
- 12.4 The proposed level of parking provision is fully consistent with Policy T2 of the Folkestone and Hythe Places and Policies Local Plan.
- 12.5 The application site is located within an established urban area in an edge-of-centre location. Policy T2 expressly recognises the particular sustainability benefits of town and edge-of-centre locations and states that development in such locations with reduced, or even nil, parking provision is encouraged in support of demand management and the most efficient use of land.
- 12.6 The policy therefore establishes that a reduced level of car parking in an accessible town or edge-of-centre location is not, in principle, unacceptable. On the contrary, the policy positively encourages such an approach where it supports the efficient use of land and reduces reliance upon private motor vehicles.
- 12.7 Against this policy context, the provision of 11 parking spaces for 14 dwellings represents a substantial level of on-site parking provision. The proposal is not a car-free development and would provide dedicated parking for a significant proportion of the proposed dwellings.
- 12.8 In addition, the site is located within the established urban area and benefits from access to existing services, facilities and transport opportunities. The location therefore provides realistic opportunities for residents to undertake journeys by walking, wheeling, cycling and public transport in accordance with the Local Plan and NPPF.
- 12.9 The proposed parking provision is therefore in accordance with Policy T2 and allows the site to be developed at an efficient urban density without requiring land to be unnecessarily dedicated to the provision of additional car parking spaces in a location where reduced parking provision is expressly encouraged by the development plan.
- 12.10 The on-street parking environment immediately surrounding the site is also relevant. Parking restrictions / double yellow line are present on Tram Road directly outside the site and at the front of the neighbouring buildings, preventing parking along this section of the highway. The proposal would therefore not be dependent upon unrestricted parking immediately outside the site to compensate for the level of on-site provision.
- 12.11 The proposal therefore represents a balanced policy-compliant approach to parking provision. It provides a substantial level of on-site parking while also reflecting the express policy objective of encouraging reduced parking provision in town and edge-of-centre locations in support of demand management and the efficient use of land.

- 12.12 In addition to the 11 dedicated spaces proposed for the new flats, the proposed layout also provides eight dedicated parking spaces for George Stone House as per the previously approved scheme.

Cycle Parking

- 12.13 Local Plan policy T5 (Cycle Parking) requires one cycle parking space to be provided per bedroom.
- 12.14 The development would provide one cycle parking space for each future occupant of the proposed development (39 in total) in a dedicated cycle storage unit which would be discreetly located at the rear of the building.
- 12.15 This represents a generous level of cycle parking provision and is above the required standards set out in policy T5 and, will ensure that residents have convenient access to secure cycle storage. The cycle provision is particularly appropriate given the site's sustainable urban location and the objectives of Policy T2 to support demand management and reduce reliance upon private motor vehicles.
- 12.16 The cycle parking facilities would be designed to be secure, convenient and readily accessible to residents. Detailed design / appearance of the cycle storage unit can be secured by an appropriately worded planning condition, although given the location at the rear of the site there would be no significant visual impact on the street scene or surrounding area.
- 12.17 In summary, the parking and cycle provision would therefore accord with the adopted development plan and the aims and objectives of the NPPF of promoting sustainable transport, supporting active travel and making efficient use of land.

Vehicle Access

- 12.18 The proposal also includes alterations to the existing vehicle access with the required visibility splays shown on the proposed Highway Layout drawing.
- 12.19 The proposed access has been previously approved and there have been no changes to the highway layout / speed limits since the previous application was approved.
- 12.20 The proposed development also provides sufficient vehicle turning areas within the site to ensure vehicles can enter and exit the site safely in forward gear.

13 Affordable Housing

- 13.1 The proposal would provide two affordable residential units (1 x 1-bed and 1 x 2-bed) in accordance with Core Strategy Policy CSD1 which stipulates that development proposing (or land capable of accommodating) 11 to 14 dwellings (net gain) at any location within the district should provide two affordable dwellings on-site.

- 13.2 Both units are put forward as affordable housing for rent and can be secured via an appropriate legal agreement. A Unilateral Undertaking can be submitted to secure this requirement, however it is expected that the Council legal department may want to produce the legal agreement themselves. The applicant is happy to discuss the most appropriate approach to securing the affordable housing at the early stage of the application process, to ensure a timely decision is made.

14 Ecology and Biodiversity Net Gain

- 14.1 The site area measures less than 0.2 hectares and is therefore exempt from Biodiversity Net Gain as of the 6th August 2026.
- 14.2 In addition, the site is previously developed land located within the urban area and comprises a flat roof building and areas of hardstanding / sealed land. As a result, the site is considered to offer negligible ecological habitat and the proposed development would not result in any negative ecology impacts and there is no requirement for an ecology surveys.
- 14.3 Additional landscaping and native trees are proposed as part of the development that would visually enhance the character of the site and street scene and also provide a significant ecology / biodiversity gain compared to the existing site.

15 Other Matters

- 15.1 The site is located in a flood zone 1 and is not located in an area at risk of surface water flooding as indicated on the Environment Agency maps.
- 15.2 It is anticipated that foul water drainage will be connected to the existing sewerage system and can be secured under the relevant regulations in accordance with the Water Act which is a separate regulatory regime (NPPF Policy DM7).
- 15.3 The existing site comprises predominately built development and sealed impermeable land, including the existing building and concrete hardstanding to the north and west of the building.
- 15.4 The proposed development would introduce circa 250sqm of lawn / grassed areas as well as permeable paving for the parking areas and patios and new tree and landscaping planting.
- 15.5 The proposed development comprises previously development land within the urban area and would constitute a betterment in brownfield runoff rates compared to the existing site. Suitable surface water management can therefore be secured in accordance sustainable drainage principles by appropriately worded conditions, as per the previous application, including having regard to the noted location over an Aquifer.

- 15.6 Land contamination has also been assessed under the previous applications at this site and it was noted that investigations will be required which can again be secured by an appropriately worded conditions, as per the approach taken under the previous application and comments from the Council's Environmental Health Officer.

17 Community Infrastructure Levy

- 17.1 Folkestone & Hythe District Council formally adopted its revised Community Infrastructure Levy (CIL) Charging Schedule on 29 March 2023.
- 17.2 The application is accompanied by the required CIL form for the proposed development.
- 17.3 However, it is noted that the application site is located in Residential Zone A on the Council's CIL Charging Maps which indicates this area is zero rated and is therefore not subject to CIL charges.

18 Conclusion

- 18.1 The proposal is a resubmission of a previously approved scheme for a 14-unit apartment building at Stoneleigh House, following demolition of the existing building. The main change is the inclusion of balconies and private amenity areas, alongside a communal garden, to meet Local Plan requirements.
- 18.2 The scheme retains the previously accepted design, scale, height and siting, with obscure glazing and oriel windows proposed to protect neighbouring privacy. All flats meet the required space standards, while 11 car parking spaces and 39 cycle spaces are proposed for residents, together with 8 spaces for George Stone House.
- 18.3 The application is supported by the site's sustainable urban location on the edge of the town centre and status as previously developed land. Given the Council's lack of a five-year housing supply and low housing delivery rate, the planning balance favours approval, with the development providing social, economic and environmental benefits and no significant adverse impacts identified.

TOWN AND COUNTRY PLANNING ACT 1990

Notification of Grant of Planning Permission to Develop Land

Mr David Pownceby
C/o Mr Gary Richardson
Giarti
Amphenol Business Complex
Thanet Way
Whitstable
Kent
CT5 3JF

Take notice that Folkestone & Hythe District Council, the Local Planning Authority under the Town and Country Planning Acts has **GRANTED PERMISSION** for the development of land

situate at: **STONELEIGH HOUSE THE TRAM ROAD FOLKESTONE KENT**

and being: **ERECTION OF AN APARTMENT BUILDING OF 14 NO. AFFORDABLE HOUSING RESIDENTIAL UNITS WITH ASSOCIATED PARKING (FOLLOWING THE DEMOLITION OF STONELEIGH HOUSE) AND PARKING PROVISION FOR GEORGE STONE HOUSE.**

referred to in your application for permission for development received on 13th July 2016.

This Approval is subject to the following conditions:

CONDITIONS

- 1 The development must be begun within three years of the date of this permission.

Reason:

As required by Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans: 1313/000/P1, 1313/001/P2, 1313/002/P2, 1313/003/P2, 1313/004/P2.

Reason:

For the avoidance of doubt and in order to ensure the satisfactory implementation of the development in accordance with the aims of saved policy SD1 of the Shepway District Local Plan Review.

- 3 No work above slab level on the construction of the building hereby permitted shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted 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.

Reason:

To ensure the satisfactory appearance of the completed development and in the interests of visual amenity.

- 4 i. Notwithstanding the submitted 'Stage 1 Risk Assessment for Contamination' document submitted with the application, prior to commencement of the development a desk top study shall be undertaken and submitted to and approved in writing by the Local Planning Authority. The study shall include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses and any other relevant information. Using this information, a diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors shall also be included.

ii. If a desk top study shows that further investigation is necessary, an investigation and risk assessment shall be undertaken by competent persons and a written report of the findings shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development. It shall include an assessment of the nature and extent of any contamination on the site, whether or not it originates on the site. The report of the findings shall include

- A survey of the extent, scale and nature of contamination
- An assessment of the potential risks to:
 - Human health
 - Property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - Adjoining land,
 - Ground waters and surface waters,
 - Ecological systems,
 - Archaeological sites and ancient monuments and
- An appraisal of remedial options and identification of the preferred option(s).

All work pursuant to this Condition shall be conducted in accordance with the DEFRA and Environment Agency document Model Procedures for the Management of Land Contamination (Contamination Report 11).

iii. If investigation and risk assessment shows that remediation is necessary, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development. The scheme shall include details of all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works, site management procedures and a verification plan. The scheme shall ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The approved remediation scheme shall be carried out in accordance with the approved terms including the timetable, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority shall be given two weeks written notification of commencement of the remediation scheme works.

iv. Prior to commencement of development, a verification report demonstrating completion of the works set out in the approved remediation scheme and the effectiveness of the remediation shall be submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include details of longer-term monitoring of pollutant linkages and maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority.

v. In the event that, at any time while the development is being carried out, contamination is found that was not previously identified, it shall be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall be undertaken and where remediation is necessary a remediation scheme shall be prepared. The results shall be submitted to the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report shall be prepared and submitted to the Local Planning Authority.

Reason:

To protect the environment and human health against contamination and pollution, in accordance with saved Local Plan Review policies SD1 and U10a and the NPPF: 2018.

- 5 i. No development shall commence until details of a surface water drainage scheme for the site, based on sustainable drainage principles and supported by the relevant calculations, have been submitted to and agreed in writing with the local planning authority. (There should be no infiltration of surface water drainage into the ground unless it has been demonstrated that there is no resultant unacceptable risk to controlled waters.) The development shall be carried out in accordance with the agreed surface water drainage disposal scheme and no part of the development hereby approved shall be occupied until the approved surface water drainage system has been completed.

ii. No building hereby permitted shall be occupied until details of a) a timetable for the implementation of the drainage scheme, and b) 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. The development shall be undertaken, managed and maintained in accordance with the agreed details.

Reasons:

To ensure that the principles of sustainable drainage are incorporated into this proposal, to ensure ongoing efficacy of the drainage provisions, to protect vulnerable groundwater resources.

- 6 No work above slab level on the construction of the building hereby permitted shall take place until, elevational details of the secure cycle store and bin store indicated on drawing 1313/001/P2, have been submitted to and approved in writing by the Local Planning Authority. The approved cycle and bin stores shall be constructed in accordance with the approved details prior to the first occupation of any of the dwellings hereby permitted and shall be maintained in a good condition thereafter.

Reason:

To safeguard the living conditions of future occupiers.

- 7 i. Construction shall not commence above foundation/slab level until written documentary evidence has been submitted to, and approved in writing by, the local planning authority proving the development will achieve a maximum water use of 110 litres per person per day as defined in paragraph 36(2)(b) of the Building Regulations 2010 (as amended). Such evidence shall be in the form of a design stage water efficiency calculator.
- ii. No dwelling hereby permitted shall be occupied until written documentary evidence has been submitted to, and approved by, the local planning authority, proving that the development has achieved a maximum water use of 110 litres per person per day as defined in paragraph 36(2)(b) of the Building Regulations 2010 (as amended). Such evidence shall be in the form of a post-construction stage water efficiency calculator.

Reason

In accordance with the requirements of policies CSD5 and SS3 of the Shepway Core Strategy Local Plan 2013 which identify Shepway as a water scarcity area and require all new dwellings to incorporate water efficiency measures.

Water efficiency calculations should be carried out using 'the water efficiency calculator for new dwellings' <https://www.gov.uk/government/publications/the-water-efficiency-calculator-for-new-dwellings>

- 8 No construction work above foundation / slab level shall take place until full details of both hard and soft landscaping works, including boundary treatments, have been submitted to and approved in writing by the Local Planning Authority. Submitted details shall include an implementation programme and maintenance schedule. No dwelling hereby permitted shall be occupied until the approved landscaping scheme has been carried out in accordance with the approved details unless an alternative timescale has been agreed with the local planning authority. The soft landscape works shall thereafter be maintained in accordance with the approved maintenance schedule.

Reason:

In order to protect and enhance the appearance of the area.

- 9 If, within a period of two years from the date of the planting of any tree in the approved landscaping plan, that tree, or any tree planted in replacement for it, is removed, uprooted or destroyed or dies, (or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective) another tree of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives written consent to any variation.

Reason:

In order to protect and enhance the appearance of the area.

- 10 No work above slab level on the construction of the building hereby permitted shall take place until a copy of formal confirmation has been supplied to the Local Planning Authority confirming that High Speed Fibre Optic (minimal internal speed of 100mb) will be supplied to the dwellings hereby permitted. Prior to the first occupation of any of the dwellings hereby approved, confirmation shall be submitted to the Local Planning Authority that the infrastructure to allow connection to High Speed Fibre Optic broadband (minimal internal speed of 100mb) has been laid out in the site.

Reason:

In order to ensure the future provision of superfast fibre optic broadband for occupants.

- 11 Prior to the occupation of any of the dwellings hereby permitted, the car parking and vehicle turning facilities as shown on drawing 1313/001/P2, including replacement parking spaces for George Stone House, shall be laid out within the site with permeable surfacing (details of which shall be submitted with condition 7) and made available for parking of vehicles and thereafter shall be kept available for parking purposes.

Reason:

It is necessary to make provision for adequate off street parking to prevent obstruction of the highway.

- 12 Prior to the first occupation of any of the dwellings hereby permitted, the vehicular crossover as shown on approved drawing no 1313/001/P2 shall be installed and made available for use. Details of the reinstatement of the footway abutting the vehicular crossover shall be submitted to and approved in writing by the Local Planning Authority and the approved details shall be implemented prior to the first occupation of any of the dwellings hereby permitted.

Reason:

To ensure the safety of highway users.

- 13 Prior to the first occupation of any of the dwellings here permitted, pedestrian visibility splays shall be provided measuring 2.0 metres either side of the access from a point 2.0 metres from the back edge of the footpath on land under control of the Applicant, and maintained with no obstruction higher than 0.6 metres above pavement level within the splay area.

Reason:

In the interests of pedestrian safety in accordance with policy TR11 of the Shepway District Local Plan Review.

- 14 Prior to the first occupation of any of the dwellings hereby permitted, vehicle visibility splays measuring 43 metres either side of the access to the highway and protecting visibility from a point at the centre of the access 2.4 metres from the back edge of the carriageway shall be provided either side of the proposed access and maintained so there is no obstruction in excess of 1.05 metres in height above the carriageway within the splay area.

Reason:

To secure adequate visibility for vehicles entering or leaving the site in the interests of highway safety in accordance with policy TR11 of the Shepway District Local Plan Review.

- 15 Where shown on the approved drawings, the oriel windows shall be fitted with obscured glass of a type that is impenetrable to sight and shall be non opening up to a minimum of 1.7 metres above the internal finished floor level and shall be so retained at all times.

Reason:

To minimise overlooking onto adjoining properties and maintain privacy.

- 16 At the time of installation, the windows in the southern elevation of units 6 and 10 serving the lounge areas shall be fitted with obscured glass of a type that is impenetrable to sight and shall be non opening up to a minimum of 1.7 metres above the internal finished floor level and shall be so retained at all times.

Reason:

To minimise overlooking onto adjoining properties and maintain privacy.

INFORMATIVES

- 1 You are advised to consult with the Environment Agency at drainage design stage as the application site is positioned over the Principal Folkestone Aquifer and in such circumstances deep bore soakaways may not be acceptable.
- 2 This decision is also conditional upon the terms of the Planning Agreement which has been entered into by the developer and the Local Planning Authority under Section 106 of the Town and Country Planning Act 1990. The Agreement runs with the land and not with any particular person having an interest therein.

- 3 You are advised to contact the Kent Highways Services - East Kent Division on 08458 247800 before commencing work within or adjacent to the public highway.
- 4 Your attention is drawn to the requirements of the Building Regulations 2000 and the possibility of the need to obtain consent under such regulations.

Prior to implementing this permission, you should seek advice from Building Control as to whether or not to make an application. Advice and application forms are available from the Civic Centre, Folkestone (telephone numbers 01303 853538). Alternatively another building control body may be able to assist.

In accordance with paragraph 38 the National Planning Policy Framework 2018, Folkestone & Hythe District Council, as local planning authority, has taken a positive and proactive approach to the proposed development, focusing on finding solutions.

The applicant/agent was provided with pre-application advice in accordance with the Council's Informal Advice Protocol and issues of concern were addressed in the submitted application

The applicant/agent was advised of any issues during the processing of the application and additional information has been submitted to address these

The application was determined within the relevant timescales

The development proposed has been considered against the National Planning Policy Framework, Local Plan policy and relevant material planning considerations and it is the view of the Local Planning Authority that planning permission should be granted.

In coming to this decision regard has been had to the following policies:

Shepway District Local Plan Review apply: SD1, HO1, BE1, BE16, TR5, TR11, TR12, LR9, LR10, U10a.

Shepway Local Plan Core Strategy apply: DSD, SS1, SS3, SS5, CSD1, CSD2, CSD5.

National Planning Policy Framework particularly paragraphs 8, 11, 12, 68, 74, 112, 124, 127, 155, 170.



Dated this 26th day of October 2018

Folkestone & Hythe District Council,
Civic Centre, Castle Hill Avenue,
Folkestone, Kent CT20 2QY

Lisette Patching
Development Management Manager

APPEAL GUIDANCE NOTES

Note:

This permission is confined to permission under the Town and Country Planning Act 1990 (as amended) and does not obviate the necessity for compliance with any enactment, bye-law or other provision whatsoever or of obtaining from the appropriate authority any permission, consent, approval or authorisation which may be required.

NOTIFICATION TO APPLICANT

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 the grant of 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, then you must do so within six months of the date of the notice, using a form which you can get from Initial Appeals, The Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN or online at www.planningportal.gov.uk/pcs.

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 it imposed, having regard to the statutory requirements, to the provision of a development order and to any directions given under the order. In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based its decision on a direction given by him.

PURCHASE NOTICES

If either the Local Planning Authority or the Secretary of State refuses permission to develop 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 can he render the land capable of a reasonably beneficial use by the carrying out of any development which had been or would be permitted. In these circumstances, the owner may serve a purchase notice on the District Council in whose area the land is situated. This notice will require the Council to purchase his interests in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.