

**Application No:** 20/0592/FH

**Location of Site:** Maison Dieu, Stone Hill, Sellindge, Ashford, TN25 6EJ

**Development:** Alterations and extensions to an existing outbuilding together with the change of use of the outbuilding from residential use to a mixed use as a games room, gym, and as a personal training and sports therapy studio.

**Applicant:** Mr & Mrs Bridgeman

**Agent:** Mrs C Marchant  
2 Park Mews, Jinton Road, Folkestone, CT20 2RF

**Officer Contact:** Emma Hawthorne

## **SUMMARY**

This report considers whether planning permission for alterations and extensions to an existing outbuilding together with the change of use of the outbuilding from residential use to a mixed use as a games room, gym, and as a personal training and sports therapy studio should be granted. The report assesses the principle of development and the introduction of a mixed use as a games room, gym, personal training studio and sports therapy studio in this locality, which lies within the defined built up area of Sellindge. The report recommends that planning permission be granted, subject to conditions, as it is considered that the proposal is acceptable in principle, and the design and layout of the alterations and extension to the outbuilding would be appropriate in the context of the surrounding environment. The amenities of existing and future occupants are safeguarded. Flood risk, ecology and arboriculture would not be constraints, and matters such as hours of opening and number of clients can be further dealt with by way of planning conditions. There are no highway safety concerns as the proposal seeks to mitigate these through design. Therefore, the proposal is considered to be sustainable development in accordance with the development plan policies.

## **RECOMMENDATION:**

**That planning permission be granted subject to the conditions set out at the end of the report and that delegated authority be given to the Chief Planning Officer to agree and finalise the wording of the conditions and add any other conditions that he considers necessary.**

### **1. INTRODUCTION**

1.1. The application is reported to Committee because Sellindge Parish Council has objected to the proposal.

### **2. SITE AND SURROUNDINGS**

- 2.1. The application site is located within the rural Parish of Sellindge and is positioned along Stone Hill. Maison Dieu is a detached chalet style bungalow of a traditional design and appearance. The majority of the residential curtilage is situated within the identified settlement boundary of Sellindge. The dwelling is situated immediately adjacent to the road on the east side of Stone Hill in a semi-rural area, and benefits from off-street parking and a detached garage to the northeast as well as a detached outbuilding to the east and private amenity space to the south east.
- 2.2. The application site is located mid-way up Stone Hill, with approximately 10m between the southernmost boundary and Rectory Farm and approximately 35m between the northernmost boundary and Briar Cottage. The locality is predominantly residential in nature.

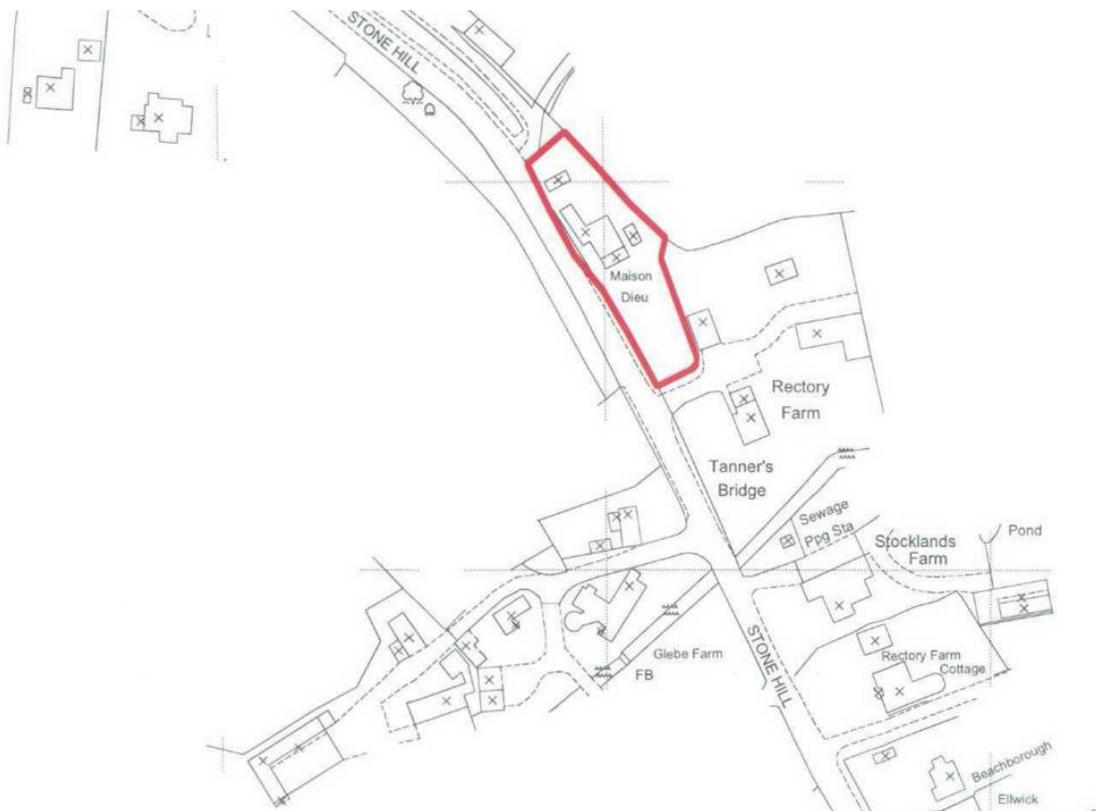


Figure 1 Location Plan

- 2.3. The site (and its surroundings) are in an identified area of Grade 3 agricultural land and the Stour Operational Catchment area.
- 2.4. Land to the north west of the residential curtilage is a Special Landscape Area while land to the south is within Flood Zones 2 and 3.
- 2.5. A site location plan is attached to this report as **Appendix 1**.

### **3. PROPOSAL**

- 3.1 Full planning permission is sought for alterations and extensions to the existing outbuilding to the east of the dwelling, together with the change of use of the outbuilding from solely residential use to a sui generis mixed use as a games room, gym and as a personal training and sports therapy studio.

- 3.2 The application sets out that personal training would involve up to a maximum of two clients within the gym at any one time or up to a maximum of two people at any one time would attend the site for a sports massage. Therefore the number of clients would not exceed two at any one time on the site, whether for personal training session or for sports massages. In addition to this, it is intended that the building would continue to serve as a games room for the applicant's family.
- 3.3 The proposed hours of operation associated with personal training and sport massage therapy would be from 6am to 8pm Monday to Friday, and 8.30am to 1pm on Saturdays, Sundays and Bank Holidays excluding Christmas Day, Boxing Day and Easter Sunday.
- 3.4 It is not intended to employ any additional staff and neither would there be any requirement for regular deliveries to the property above and beyond the expected comings and goings associated with a residential use.
- 3.5 The proposal would result in the existing outbuilding being extended to the south and east. The extension would increase the depth of the outbuilding by 8m. The extension would also be wider than the existing outbuilding, creating an L-shaped appearance, with the extension measuring 4.9m wide. The existing side projection would also increase in footprint, measuring a total of 3.9m deep and 2.4m wide.
- 3.6 The outbuilding would remain single storey and would comprise of a box gable, hipped and pitched roof. The extensions would be constructed in brick and timber cladding, plain clay roof tiles, metal windows and timber doors to match the existing structure.
- 3.7 The alterations would see the footprint of the existing gym enlarged and a shower room and changing area within the amplified existing side projection.



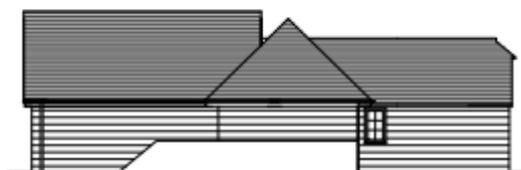
PROPOSED FRONT ELEVATION



PROPOSED SIDE ELEVATION



PROPOSED REAR ELEVATION



PROPOSED SIDE ELEVATION

Figure 2 Proposed elevations

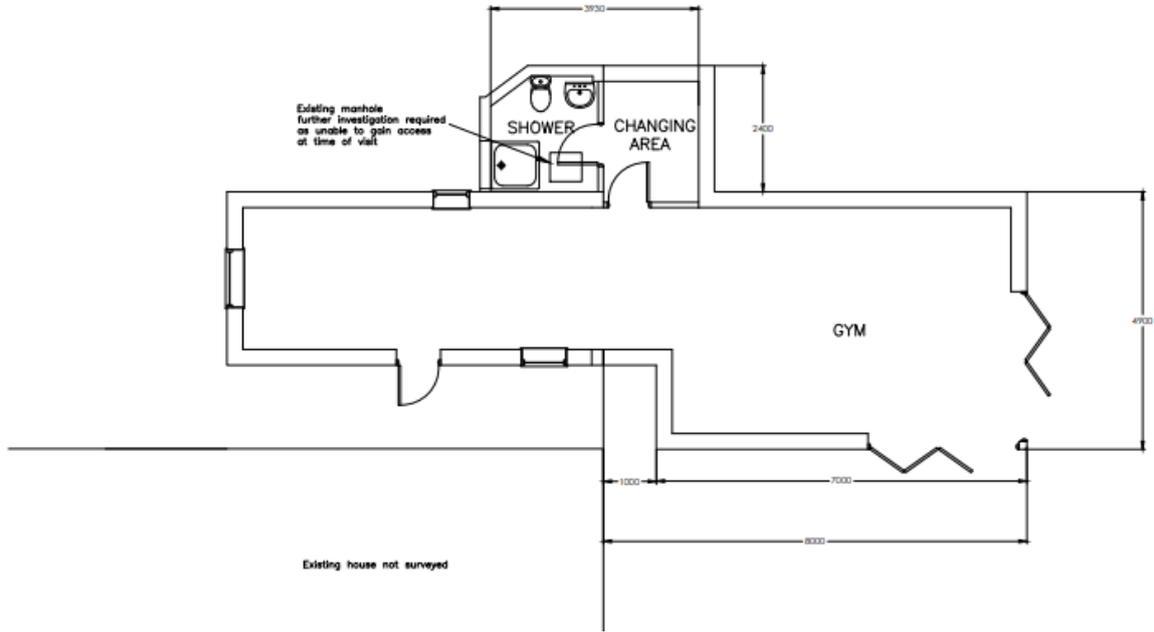


Figure 3 Proposed ground floor plan

3.8 The proposed works would not alter the access serving the site, with the outbuilding being accessible from Stone Hill as per the main dwelling. However, 2.5m of the existing 1m high wall to the east boundary would be removed to widen the existing vehicular access, however, this would not require planning permission.

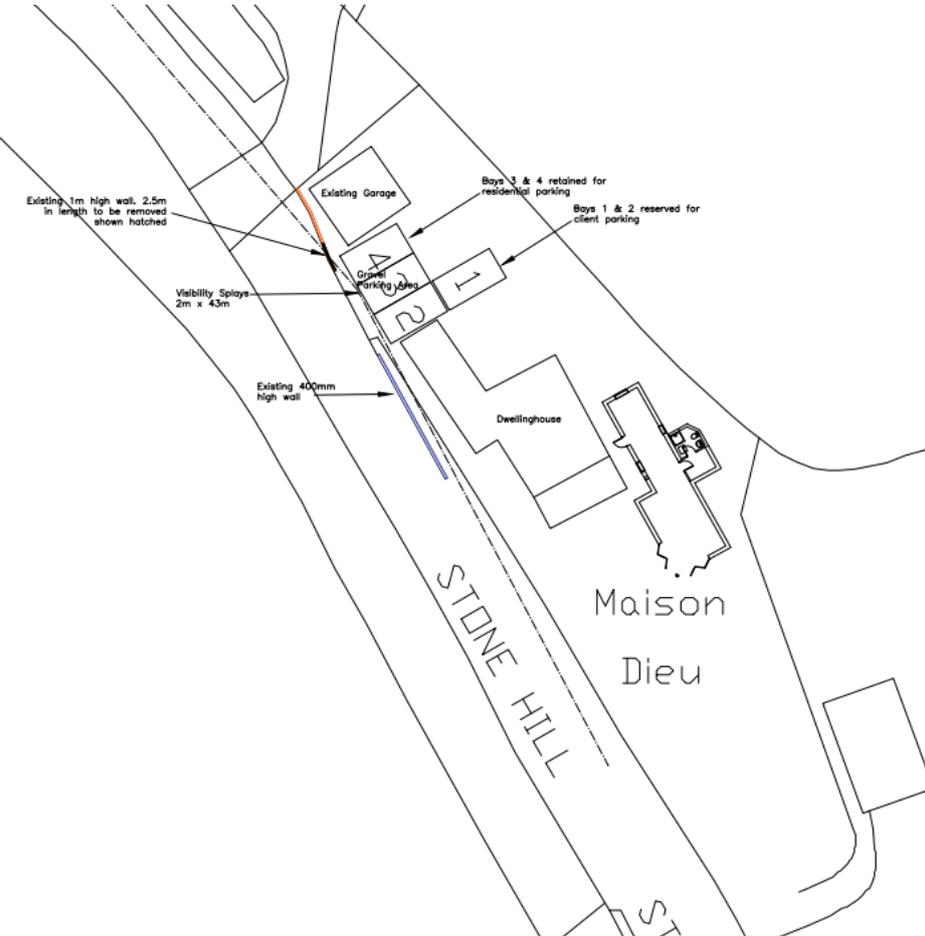


Figure 4 Proposed Block Plan

- 3.9 The application has been amended since initial submission to remove group fitness classes from the proposal. As a result, the number of clients attending the site at any one time has been reduced and thus the number of vehicles requiring parking on the site at any one time has been reduced. This amendment was also made in response to the Parish Council consultation response.
- 3.10 The following reports were submitted by the applicant in support of the proposals:

#### Planning Statement

The statement provides an overview of the application site, its context and planning history and a review of all applicable development plan documents. The merits of the proposed development are discussed having regards to its context and policy framework and subsequently concludes the proposal is acceptable in planning terms.

#### Addendum to Planning Statement

The addendum provides additional information in relation to objections raised primarily in relation to parking, highway safety and noise/activity. The addendum provides further information and explanation around the concerns raised while having regard to policy framework. The conclusions of the addendum state there is adequate parking on site to accommodate the existing residential and proposed use of the outbuilding and business would operate without material harm to neighbouring properties residential amenity.

## **4. RELEVANT PLANNING HISTORY**

- 4.1 The relevant planning history for the site is as follows:

Y11/0556/SH	Erection of a dormer window to rear elevation	Approved
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## **5. CONSULTATION RESPONSES**

- 5.1 The consultation responses are summarised below:

#### Consultees

**Sellindge Parish Council:** Object to the application and would like the application to be called in to the Folkestone and Hythe District Council Planning Committee. The Parish object on the following summarised grounds:

- Inaccuracies in submitted information;
- Pedestrian safety;
- Noise/activity;
- Opening Hours;

- Parking and Highway Safety; and
- Removal of vegetation

NB: no comments were received in relation to the amended scheme.

**KCC Archaeology:** No comment.

**KCC Highways and Transportation:** No objection provided the following requirements are secured by condition or planning obligation:

- Provision and maintenance of the visibility splays shown on the submitted plans Drawing 03 rev 1 2021 Block Plan with no obstructions over 1.05 metres above carriageway level within the splays.
- Provision and permanent retention of the vehicle parking spaces shown on the submitted plans Drawing 03 Rev 1 prior to the use of the site/business commencing.
- Use of a bound surface for the first 5 metres of the access from the edge of the highway.
- Provision of measures to prevent the discharge of surface water onto the highway.

**Environmental Health:** no objection to the granting of this application subject to the following conditions:

A noise limiter to be installed and all record music must go through this limiter. The level to be set and agreed with this authority. All doors and windows to be closed, while live or recorded music is being played.

### **Local Residents Comments**

5.2 8 neighbours were directly consulted. 25 letters of objection, 27 letters of support and 4 letters neither supporting nor objecting to the application were received.

5.3 I have read all of the letters received. The key issues are summarised below:

#### **Objections**

- Parking
- Noise
- Over time the number of clients could increase, and result in parking on the road
- Suitability of the gym facility and services being provided in a house in the middle of a small residential hamlet
- Safety of pedestrians
- Highway safety
- Nonviable, environmentally damaging and only in the applicants best interest.
- Commandeering the lay-by on the A20 outside the Church will be problematic.

Support

- Reduction of carbon footprint from not travelling to town based gyms.
- Sound proof dwelling for one-to-one sessions (max 2)
- Worked to address loud music issue and parking issues
- A stretch of road no more dangerous than others in the surrounding villages
- Participants who live locally take the opportunity to cycle to the location
- Important to support small independent businesses
- Can access site sustainably

General Comments

- Prudent that KCC Highways Agency be requested to review the capacity and location of the car parking proposals. This would provide an independent and objective basis upon which to assess the safety and traffic flow implications of the submitted proposal.

5.4 Ward Member

No response.

5.5 Responses are available in full on the planning file on the Council's website:

<https://searchplanapps.folkestone-hythe.gov.uk/online-applications/>

**6. RELEVANT PLANNING POLICY**

6.1 The Development Plan comprises the saved policies of the Shepway District Local Plan Review (2006) and the Shepway Core Strategy Local Plan (2013).

6.2 The Places and Policies Local Plan has been through a formal review and was formally adopted by the Council in September 2020. The policies therein can be given full weight.

6.3 The Folkestone & Hythe District Council Core Strategy Review Submission Draft (2019) was submitted to the Secretary of State on 10 March 2020. Inspectors were appointed to examine the plan on 19<sup>th</sup> March 2020 and public hearings were held from 15<sup>th</sup> to 18<sup>th</sup> December 2020, from 5<sup>th</sup> to 12<sup>th</sup> January 2021 and from 29<sup>th</sup> June to 1<sup>st</sup> July 2021. The Inspectors wrote to the council on 1<sup>st</sup> July 2021 to state that the Core Strategy Review complies with the duty to cooperate and can be made 'sound' by amendment through main modifications. The Inspectors followed up their initial assessment by letter on 16<sup>th</sup> July 2021, stating that, subject to main modifications concerning detailed policy wording, they consider that the plan's spatial strategy and overall approach to the district's character areas and settlements is sound. The Inspectors find that the housing requirement is justified and that the Core Strategy Review will provide an adequate supply of housing over the plan period and at least a five year supply of housing land at the point of adoption. In accordance with National Planning Policy Framework (2021) paragraph 48, the policies in the Core Strategy

Review should therefore be afforded significant weight, having regard to the Inspectors' outline of main modifications required.

6.4 The relevant development plan policies are as follows:-

Shepway District Local Plan Review (2013)

DSD (Delivering Sustainable Development)  
SS1 (District Spatial Strategy)

Places and Policies Local Plan (2020)

HB1 (quality places through design)  
HB8 (extensions and alterations)  
T2 (parking standards)  
T3 (residential garages)  
T5 (cycle parking)

Core Strategy Review Submission draft (2019)

SS1 (district spatial strategy)  
SS2 (housing and economy growth)  
SS3 (place-shaping and sustainable settlements)

6.5 The following are also material considerations to the determination of this application.

**Government Advice**

National Planning Policy Framework (NPPF) 2021

6.6 Members should note that the determination must be made in accordance with the Development Plan unless material considerations indicate otherwise. A significant material consideration is the National Planning Policy Framework (NPPF). The NPPF says that less weight should be given to the policies above if they are in conflict with the NPPF. The following sections of the NPPF are relevant to this application:-

Paragraph 11 - Presumption in favour of sustainable development.

Paragraph 47 - Applications for planning permission be determined in accordance with the development plan.

National Planning Policy Guidance (NPPG)

Design: process and tools  
Climate Change  
Flood Risk and Coastal Change  
Natural Environment

National Design Guide October 2019

- C1 - Understand and relate well to the site, its local and wider context
- I2 - Well-designed, high quality and attractive  
Paragraph 53 *'Well designed places are visually attractive and aim to delight their occupants and passers-by'*.
- N3 - Support rich and varied biodiversity

## **7. APPRAISAL**

7.1 In light of the above the main issues for consideration are:

- a) Principle of development and sustainability
- b) Design/layout/visual amenity
- c) Residential amenity
- d) Highway safety

### **a) Principle of development and sustainability**

7.2 The majority of the application site is located within the defined settlement boundary, however a portion of the garden area lies outside of it but adjoins the settlement boundary to the north.

7.3 Policy SS3 ('Place Shaping and the Districts Sustainable Settlements Strategy') of the Core Strategy 2013 and the 2020 Review indicates that development within the district shall be directed towards existing sustainable settlements in order to protect the open countryside. The policy states that 'change in settlements will be managed to occur in a form that contributes to their role within the Settlement Hierarchy and local place-shaping objectives, to promote the creation of sustainable, vibrant and distinct communities'.

7.4 Given this, the principle of development for use as a mixed use games room, gym, and as a personal training and sports therapy studio is considered acceptable. However, a number of material planning considerations should be considered and these are discussed below.

### **b) Design/layout/visual amenity**

7.5 Policy HB1 says, amongst other things, that planning permission will be granted where the proposal makes a positive contribution to its location and surroundings, enhancing integration while also respecting existing buildings and land uses, particularly with regard to layout, scale, proportions, massing, form, density, materiality and mix of uses so as to ensure all proposals create places of character.

7.6 Policy HB8 says that alterations and extensions to existing buildings should reflect the scale, proportions, materials, roof line and detailing of the original building and not have a detrimental impact on the street scene, either by themselves or cumulatively.

- 7.7 Despite the increase in size to the outbuilding proposed, it would continue to appear subservient to the dwelling and would not appear cramped given the generous size of the surrounding residential curtilage.
- 7.8 The extended outbuilding as proposed, would be viewed from Stone Hill and the public right of way to the north of the site. However the views would be limited and the overall level of visual change is not considered visually harmful to the visual amenity of the PROW.
- 7.9 The palate of materials proposed includes traditional materials such as a brick, and a clay tile roof which are present on buildings surrounding the application site and within the wider area. Therefore, the choice of materials are considered to assist in the assimilation of the development into its current setting. Overall, in its altered and extended form the outbuilding is considered to be well-designed and would not have a detrimental impact on the street scene.
- 7.10 The site is already well landscaped and this will help to soften any visual impacts associated with the development.
- 7.11 For these reasons and given its single storey nature, form and scale, the building would sit comfortably on the site without appearing excessively dominant or obtrusive within the immediate street scene or wider landscape.
- 7.12 Overall, it is considered that the proposal is acceptable with regard to design and visual appearance and would not cause harm to the character of the area or existing street scene which would comply with relevant policies as identified above.

**c) Residential amenity**

- 7.13 Policy HB1 of PPLP states that planning permission will be granted where the proposal, among other things, does not lead to an adverse impact on the residential amenity of future occupiers, neighbours, or the surrounding area. This criteria is consistent with paragraph 130 of the NPPF indicates that planning decisions should create a high standard of amenity for existing and future users.
- 7.14 The proposed alterations and extensions to the outbuilding would be largely located to the east of the site. The extended building would be located a substantial distance (35 metres) from the nearest neighbouring properties and as such, it is not considered that the building would result in any unacceptable impact to residential amenity by way of loss of light, loss of privacy or overshadowing. Neither would it have an overbearing impact.
- 7.15 The applicant seeks to provide personal training sessions for clients and therefore would train up to 2 clients at any one time. The outbuilding would also be used as a sports therapy studio and there would be limited to one person per session. Environmental Health have recommended that a noise limiter should be installed and all record music (related to the business use) must go through this limiter, with the level to be set and agreed with them. Further, it is considered necessary that all doors and windows should be closed, while live or recorded music is being played and this could also be secured by a planning condition.

- 7.16 It is noted that the outbuilding would also be used as a games room and personal gym for the family and given the domestic nature of these uses they are not considered to give rise to harmful impacts to neighbouring amenity.
- 7.17 In light of the conditions and given the nature of the classes on offer, and the distance maintained between properties, the proposed use would not generate any undue noise or disturbance to residential amenity.
- 7.18 It is noted that concerns have been raised regarding the potential for the proposed development to result in an increase general activity and traffic movements to and from the site. However, again, given the separation distances between the proposed facility and neighbouring residential properties, combined the limited number of clients at any one time, I am satisfied that the noise associated with this proposal would not result in unacceptable impacts.
- 7.19 Concerns regarding noise associated with customer vehicles arriving in the early hours are noted however given the limited scale of this development I do not consider that any deliveries would be substantially different to that of a residential use.
- 7.20 To ensure that any additional noise is contained I recommend that the hours of operation of the gym and therapy use should be controlled by way of a planning condition as follows:
- 6am to 8pm Monday to Friday,
  - 8.30am to 1pm on Saturdays, Sundays and Bank Holidays excluding Christmas Day, Boxing Day and Easter Sunday.
- 7.21 On balance, due to the size of the host plot and orientation of the development, the proposal is considered to safeguard residential amenity and does meets the aims of local planning policy in this regard.

**d) Highway safety**

- 7.22 KCC Highways and Transportation raise no objection to the proposal, subject to the conditions listed above, which are contained in the recommendation below.
- 7.23 The access onto Stone Hill is not proposed to be altered, however it is proposed to remove a length of the front boundary wall running parallel with the garage (this does not require planning permission as set out above). Visibility at the access is good and the site is well connected to local highway infrastructure including the A20 which is approximately 230m to the south of the site. Therefore, it is considered that the vehicle trips associated with the use can be accommodated on the local highway network without any unacceptable highway impacts.
- 7.24 The existing garage is used by the applicants and can accommodate 2 cars which sufficiently meets the required standards based on the number of bedrooms in the dwelling. The garage meets the required size of 5.5m (length) x 6.0m (width). The roof of the garage benefits from a separate access and is used for storage. Consequently, adequate parking and storage facilities will remain to serve the existing dwelling.
- 7.25 The block plan demonstrates that the site is able to accommodate two car parking spaces in tandem to serve the needs of the business use (up to 2 clients), together with the retention of sufficient parking to serve the needs of the dwelling. As identified

on the plan, the tandem spaces would be provided closest to the house. The remaining two spaces on the frontage (which are independently accessible) would be retained for parking for the dwelling.

- 7.26 Overall, it is considered that the development, subject to conditions, can be accommodated in an acceptable way that would accord with the Development Plan as a whole and the NPPF without severe harm to highway or pedestrian safety.

#### Other Matters

- 7.27 The Parish Council has been reconsulted on the amended plans which were sought in order to overcome their initial concerns, but no further response has been received.

#### **Environmental Impact Assessment**

- 7.28 In accordance with the EIA Regulations 2017, this development has been considered in light of Schedules 1& 2 of the Regulations and it is not considered to fall within either category and as such does not require screening for likely significant environmental effects.

#### **Local Finance Considerations**

- 7.29 Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a local finance consideration as far as it is material. Section 70(4) of the Act defines a local finance consideration as a grant or other financial assistance that has been, that will, or that could be provided to a relevant authority by a Minister of the Crown (such as New Homes Bonus payments), or sums that a relevant authority has received, or will or could receive, in payment of the Community Infrastructure Levy.
- 7.30 In accordance with policy SS5 of the Core Strategy Local Plan the Council has introduced a Community Infrastructure Levy (CIL) scheme, which in part replaces planning obligations for infrastructure improvements in the area. This application is not liable for the CIL charge as it does not create net additional floor space of 100 square metres or more.

#### **Human Rights**

- 7.31 In reaching a decision on a planning application the European Convention on Human Rights must be considered. The Convention Rights that are relevant are Article 8 and Article 1 of the first protocol. The proposed course of action is in accordance with domestic law. As the rights in these two articles are qualified, the Council needs to balance the rights of the individual against the interests of society and must be satisfied that any interference with an individual's rights is no more than necessary. Having regard to the previous paragraphs of this report, it is not considered that there is any infringement of the relevant Convention rights.

#### **Public Sector Equality Duty**

- 7.32 In determining this application, regard has been had to the Public Sector Equality Duty (PSED) as set down in section 149 of the Equality Act 2010, in particular with regard to the need to:

- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it. It is considered that the application proposals would not undermine objectives of the Duty.

It is considered that the application proposals would not conflict with objectives of the Duty.

### **Working with the applicant**

7.33 In accordance with paragraphs 38 of the NPPF, Folkestone and Hythe District Council (F&HDC) takes a positive and creative approach to development proposals focused on solutions. F&HDC works with applicants/agents in a positive and creative manner.

## **8. CONCLUSION**

8.1 The proposal seeks planning permission for alterations and extensions to an existing outbuilding together with the change of use of the outbuilding from residential use to a mixed use as a games room, gym, and as a personal training and sports therapy studio. The site is considered to be a sustainable location, mostly within the defined built up area boundary, where the principle of development is generally acceptable. While local objections to the proposals are noted the scheme is considered to be acceptable in terms of scale, design, amenity impacts, highway safety and convenience. Further, there have been no objections from any statutory consultees.

8.2 In light of the above, it is considered that the proposal accords with the adopted Development Plan subject to appropriate conditions. As such it is recommended that planning permission be granted, subject to the conditions set out below (subject to the Chief Planning Officer's delegated authority to agree and finalise the wording of the conditions and add any other conditions that he considers necessary).

## **9. BACKGROUND DOCUMENTS**

9.1 The consultation responses set out at Section 5.0 are background documents for the purposes of the Local Government Act 1972 (as amended).

## **10. RECOMMENDATIONS**

**That planning permission be granted subject to the following conditions and that delegated authority be given to the Chief Planning Officer to agree and finalise the wording of the conditions and add any other conditions that he considers necessary.**

### Conditions:

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which the permission is granted.

Reason: In pursuance of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans;

Site Plan

01 - Existing Plans and Elevations

02 – Proposed plans and elevations

03 Rev 1 - Block Plan proposed

Reason: For the avoidance of doubt and in order to ensure the satisfactory implementation of the development in accordance with the aims of the Local Plan.

3. The materials to be used on the external surfaces of the extension hereby permitted shall match those illustrated on the submitted drawings and application form in terms of type, colour, and texture.

Reason: To ensure the appropriate appearance of the completed development and in the interests of visual amenity.

4. A noise limiter shall be installed within the outbuilding prior to its first use as a personal training and sports therapy studio. All record music must go through this limiter at all times and the permitted noise level shall be set at an agreed level with the Local Planning Authority in writing prior to first use of the gym as a personal training and sports therapy studio.

Reason: Protect the amenities of nearby residential area.

5. All doors and windows within the outbuilding hereby permitted shall be closed while live or recorded music is being played.

Reason: Protect the amenities of nearby residential area.

6. The use of the extended outbuilding hereby permitted shall only be open to clients for personal training and sports therapy studio between the following hours: 6am to 8pm Monday to Friday, and 8.30am to 1pm on Saturdays, Sundays and Bank Holidays excluding Christmas Day, Boxing Day and Easter Sunday.

Reason: In the interest of neighbouring amenity.

7. The use of the extended outbuilding hereby permitted for personal training and sports therapy shall be limited to a maximum number of two clients at any one time.

Reason: In the interest of neighbouring amenity and highway safety.

8. Prior to the first use of the extended outbuilding hereby permitted, provision of the visibility splays shown on the submitted plans Drawing 03 rev 1 2021 Block Plan shall be provided with no obstructions over 1.05 metres above carriageway level within the splays. The visibility splays shall be permanently retained as such thereafter.

Reason: In the interests of highway safety.

9. Prior to the first use of the outbuilding hereby permitted being used as a business use for personal training and sports therapy sessions, provision of the vehicle parking spaces shown on the submitted plans Drawing 03 Rev 1 shall be provided. The parking spaces shall be permanently retained as such thereafter.

Reason: In the interests of highway safety.

10. Notwithstanding condition 9 above, prior to the first use of the parking spaces hereby permitted the use of a bound surface for the first 5 metres of the access from the edge of the highway shall be installed and permanently retained thereafter. The provision of measures to prevent the discharge of surface water onto the highway shall also be installed prior to first use of the parking spaces hereby permitted and permanently retained thereafter.

Reason: In the interests of highway safety.

#### Informatives:

1. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act. Trees and scrub are present on the application site and are to be assumed to contain nesting birds between 1st March and 31st August, unless a recent survey has been undertaken by a competent ecologist and has shown that nesting birds are not present.
2. It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority.

Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil. Information about how to clarify the highway boundary can be found at <https://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land/highway-boundary-enquiries>.

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

3. 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.

4. Please view the Considerate Constructors Scheme at <http://www.ccscheme.org.uk/index.php/company-registration/how-to-be-veryconsiderate/company-code-of-considerate-practice>.

## **Appendix 1 – Site Location Plan**