



Appeal Decision

Site visit made on 18 May 2020

by Nicola Davies BA DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 June 2020

Appeal Ref: APP/X2220/W/19/3243148

Agricultural building, Upper Goldstone Farm, Cop Street Road, Ash, Kent CT3 2DN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3 and Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr M Chandler against the decision of Dover District Council.
 - The application Ref 19/01213, dated 1 October 2019, was refused by notice dated 3 December 2019.
 - The development is described as a proposal *"to convert one building to a 4 bedroom residential dwelling with private garden area and parking"*.
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Decision

1. The appeal is allowed and prior approval is deemed to be granted under the provisions of Article 3, Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the Order) to convert one building to a 4 bedroom residential dwelling with private garden area and parking at Agricultural building, Upper Goldstone Farm, Cop Street Road, Ash, Kent CT3 2DN in accordance with the application Ref 19/01213 made on 1 October 2019, and the details submitted within it including plan numbers 1852_001, 1852_002, 1852_003, 1852_004, 1852_005, 1852_006 and 1852_007, pursuant to Article 3, Schedule 2, Part 3, Class Q.

Application for costs

2. An application for costs was made by Mr M Chandler against Dover District Council. That application is the subject of a separate Decision.

Preliminary Matters

3. I have taken the site address and the description of proposed development from the planning application form although I note these are expressed differently on other documents.

Procedural Matters

4. The Council accepts that it did not determine this prior approval within the statutory period. Having regard to the Order as amended I must allow the appeal on the basis that prior approval is deemed to be granted. The development can lawfully proceed if constructed or carried out in accordance

with the submitted plans and subject to the conditions and limitations imposed on the planning permission granted by the Order. The Local Planning Authority's failure to refuse this prior approval within the statutory period means I am unable to address whether the development is permitted development or to consider those planning conditions put forward by the Council.

Conclusion

5. For the reasons give above, I conclude that the appeal should be allowed as prior approval is deemed to be granted in accordance with Article 3, Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Nicola Davies

INSPECTOR