



Appeal Decision

Site visit made on 21 August 2025

by R Lawrence BSc (Hons), PGDip (TP), MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th September 2025

Appeal Ref: APP/U2235/W/25/3363901

Mason Barn, Crumps Lane, Ulcombe, Kent ME17 1EX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant consent, agreement or approval to details required by a condition of an approval.
 - The appeal is made by Mr Richard Simpson against the decision of Maidstone Borough Council.
 - The application Ref 24/504795/SUB sought approval of details pursuant to condition Nos 1 (foul and surface water drainage) and 2 (contamination) of an approval ref 22/504051/PNQCLA.
 - The application was refused by notice dated 14 January 2025.
 - The development proposed is change of use of agricultural building to 1no. dwelling and associated operation development.
 - The details for which approval is sought are: 'Bio Air Sewage Treatment Plant Data Sheet' and 'Drainage Plan 2' dated 11/04/2025 and Risk Assessment and Method Statement.
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Decision

1. The appeal is dismissed insofar as it relates to condition 2 (contamination) attached to approval ref 22/504051/PNQCLA.
2. The appeal is allowed insofar as it relates to condition 1 (foul and surface water drainage), and the 'Bio Air Sewage Treatment Plant Data Sheet' and 'Drainage Plan 2' dated 11/04/2025' submitted pursuant to condition 1 of approval ref 22/504051/PNQCLA at Mason Barn, Ulcombe ME17 1EX in accordance with the terms of the application Ref 24/504795/SUB are approved.

Reasons

3. This appeal arises from the Council's refusal to approve details submitted pursuant to conditions 1 (foul and surface water drainage) and 2 (contamination) of planning approval ref: 22/504051/PNQCLA.

Condition 1

4. The submitted details for condition 1 include:
 - a document titled 'Bio Air Sewage Treatment Plant', which provides technical specifications and measurements of the proposed treatment system, and
 - a Site Drainage Plan showing the location of proposed drainage features, including an 80mm perforated pipe, 110mm soil pipe, 150mm perforated pipe (to replace an existing ditch), and the domestic sewage treatment plant.
5. The purpose of condition 1 is to ensure adequate sewage disposal. The submitted plans indicate that treated discharge will flow into a ditch or watercourse, with

purification handled by a treatment plant located northwest of the proposed dwelling.

6. The Council has confirmed that these details are acceptable and that it is satisfied for the condition to be discharged. I agree that the submitted information provides sufficient clarity on the proposed sewage disposal arrangements and confirms that discharge will be appropriately treated. Therefore, I see no reason to reach a different conclusion.

Condition 2

7. For condition 2, the submitted documentation includes a Risk Assessment and Method Statement, which outlines site management procedures, safety rules, emergency arrangements, and identified risks—primarily asbestos in the barn roof.
8. The condition is a multi-stage condition requiring:
- a preliminary risk assessment,
 - a site investigation, and
 - a remediation method statement to include a verification plan and any requirements for longer-term monitoring.
9. While the submission includes a quote for an asbestos survey, the survey itself is not provided. This creates uncertainty around the necessary remediation measures and any long-term monitoring requirements.
10. Although the Council has indicated it is content for partial discharge of the condition to allow roof removal, I am not convinced that a full site investigation has been carried out such to justify such an approach. Moreover, there is no verification plan or alternative documentation detailing the data to be collected or any long-term monitoring provisions.
11. The Council suggests that the condition cannot be fully discharged until development begins, specifically after roof removal. However, I do not consider this necessary. The condition refers to a remediation plan to be implemented, not the submission of verification results. It specifically mentions “the data that will be collected,” which implies that a plan should be in place prior to development.
12. Notwithstanding this, in the absence of a verification plan, complete site investigation results, and details of data collection and monitoring, I am not satisfied that the condition’s requirements have been met. As such, I cannot conclude that future occupants would be adequately protected from potential contamination.

Conclusion

13. For the reasons set out above, I dismiss the appeal in respect of the details submitted pursuant to condition 2 (contamination). However, I allow the appeal in respect of the details submitted pursuant to condition 1 (foul and surface water drainage).

R Lawrence

INSPECTOR