



Application: 20241133

**TOWN AND COUNTRY PLANNING ACT 1990
THE TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)
(ENGLAND) ORDER 2015 (AS AMENDED)**

NOTIFICATION OF REFUSAL OF PERMISSION TO DEVELOP LAND

To: **Mr Harwinder Singh Shah
C/O Mr Alex Bateman
139 Kipling Avenue
Brighton
BN2 6UF**

TAKE NOTICE that the **GRAVESHAM BOROUGH COUNCIL**, the Local Planning Authority under the Town and Country Planning Acts, has **REFUSED TO PERMIT** development of land situate at:

**Land Adjacent To
35 Clarence Place
Gravesend
Kent
DA12 1LB**

and being **Erection of a 4 storey building comprising of 4no flats.**

Your application dated 17th December 2024 is refused on the following grounds:-

1. The proposed development fails to preserve or enhance the special interest of the Windmill Hill Conservation Area by virtue of developing an established, landscaped open space and detracts from historic local key unlisted buildings through poor design that disrupts cohesive qualities within the street scene. Therefore, by virtue of developing an important landscaped buffer and the incongruous design of the building the proposal fails to meet the statutory tests of Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) and is contrary to Policies CS19 and CS20 of the Gravesham Local Plan Core Strategy (2014), saved policy TC3 of the Local Plan First Review (1994) as well as Section 12 and 16 of the National Planning Policy Framework (2024).
2. The applicant has failed to provide any ecological evidence to confirm protection of notable species or inform a habitat regulations assessment to address the impact of the proposed development on the Thames Estuary and Marshes Ramsar site and Special Protection Area (SPA) or offered a financial contribution towards the identified mitigation measures to address the impact of the development on the SPA/Ramsar site. The proposal is therefore contrary to Policy CS12 (Green Infrastructure) of the Gravesham Local Plan Core Strategy (2014) which seeks to ensure that detrimental effects on the integrity of SPA/Ramsar sites are avoided, and also contrary to Paragraphs 192 and 193 of the National Planning Policy Framework (2024), and the requirements of the Conservation of Habitats and Species Regulations 2017.

INFORMATIVES:-

1 DRAWINGS AND DOCUMENTS

For the avoidance of doubt the decision to refuse this application was taken in relation to the following plans and documents:

Application Form - dated 05 December 2024;
Planning & Heritage Statement (October 2024);
Supplementary Information - Preliminary Ecological Appraisal by arbtech (13 August 2024);
Supplementary Information - Biodiversity Net Gain Assessment by arbtech (14 November 2024);
Supplementary Information - Tree Survey by Canopy Consultancy (04 September 2024);
Supplementary Information - Tree Constraints Plan (11 September 2024);
Supplementary Information - Topographical Survey by Hook Survey (August 2024);
Drawing no. P_100 - Existing Site Location Plans;
Drawing no. P_101 - Site Survey Plan;
Drawing no. P_102 - Site Demolition Plan;
Drawing no. P_200 - Rev. B - Proposed Site Location Plan;
Drawing no. P_201 - Rev. D - Proposed Floor Plans;
Drawing no. P_202 - Rev. B - Proposed Elevations (Front and Rear);
Drawing no. P_203 - Rev. A - Proposed Elevations (Side).

2 STATEMENT OF POSITIVE AND PROACTIVE APPROACH TO DECISION-MAKING

In accordance with Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended), and paragraph 39 of the National Planning Policy Framework (NPPF) 2024, the Local Planning Authority has approached the assessment and determination of this application in a positive and creative way. In this instance the application is not in accordance with the Development Plan for the area and cannot be supported.

Dated: 9 April 2025

Civic Centre
Windmill Street
Gravesend
Kent
DA12 1AU

Shazad Ghani
MPhil, MA, BA (Hons)
Head of Planning
Planning Service

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 to grant it subject to conditions, then you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990.
- If this is a **householder application*** which has been refused and you want to appeal against your Local Planning Authority's decision then you must do so within **12 weeks of the date of this notice**.
- For all other applications, refused or permitted, if you want to appeal against your Local Planning Authority's decision then you must do so within 6 months of the date of this notice.
- **For further information regarding Appeals and to make an application please click the relevant link:**
<https://www.gov.uk/appeal-householder-planning-decision>
<https://www.gov.uk/appeal-planning-decision>
- The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

- The Secretary of State need not consider an appeal if it seems to him that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based their decision on a direction given by him.

***Householder applications**

These are:

- (a) applications for planning permission for development of an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse, or
- (b) an application for any consent, agreement or approval required by or under a planning permission, development order or local development order in relation to such development

but does **not** include –

- (i) an application for change of use;
- (ii) an application to change the number of dwellings in a building.

PURCHASE NOTICES

If either the Local Planning Authority or the Secretary of State for the Environment refuses permission to develop land or grants it subject to conditions, the owner may claim that he/she can neither put the land to a reasonably beneficial use in its existing state nor can he/she render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.