

Application: 20250914

**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 and Mrs S and M Hornby
C/O Mr. Steve Clarke, Graham Simpkin Planning Ltd
Graham Simpkin Planning Ltd
2 The Parade
Ash Road
Hartley
DA3 8BG
United Kingdom**

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:

**Annexe At
3 Havisham Road
Gravesend
Kent**

and being **Application for variation of condition 4 attached to planning permission reference number 20160561 for variation of condition 4 attached to planning permission reference number 20140252 relating to demolition of garage and erection of detached garage with extended footprint to for a wc and kitchenette at ground floor, and office area with work space area above on first floor, incorporating three dormer windows in the rear roof slope; to allow the use for office/residential accommodation ancillary to the main dwelling; to allow the residential accommodation to be rented out to people other than to family members with the condition to read 'The building shall not at any time be sold as a separate unit of living accommodation and no trade or business shall be carried on therefrom.'**

Your application dated 15th September 2025 is refused on the following grounds:-

1. The proposed amendment to Condition 4 of 20140252 and 20160561 would allow for the building to be privately let, therefore resulting in a separate residential dwelling and would no longer be ancillary to the host dwelling of No. 3 Havisham Road. As such this would result in a change to the description works approved under planning approval references 20140252 and 20160561. As such, a Section 73 (Town and Country Planning Act 1990) application, is the inappropriate method to seek consent for this alternative scheme, as per Paragraph 14 of the National Planning Policy Guidance. The scheme therefore cannot be approved via this method of application.
2. The proposed change to the wording of Condition 4 of 20140252 and 20160561 directly contravenes the purpose of the condition, which is for the development to remain ancillary to the host dwelling of No. 3 Havisham Road, by the building not at any time be sold, parted, let or exchanged as a separate unit of living accommodation. As such, the proposed amendment would be contrary to Policy CS19 of the Gravesham Local Plan Core Strategy (2014).

3. The proposed development would fail to secure adequate private amenity space for future occupiers and as such would be contrary to Policy CS19 of the Gravesham Local Plan Core Strategy (2014) and Section 12 of the National Planning Policy Framework (2024).

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:

Planning Application Form;
Drawing No. 100 - Site Location and Existing & Proposed Block Plan;
Drawing No. 101 - Existing and Proposed Floor Plans;
Drawing No. 102 - Existing and Proposed Elevations; and
Planning Statement.

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 and, where appropriate, has worked pro-actively with the applicant to secure a development that is sustainable and that improves the economic, social and environmental conditions of the area, and that is in accordance with the Development Plan for the area.

Dated: 7 November 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.