

Application: 20240781

**PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT 1990
TOWN AND COUNTRY PLANNING (LISTED BUILDINGS AND BUILDINGS IN
CONSERVATION AREAS) REGULATIONS 1990
(as amended by Section 10 of the Planning and Compensation Act 1991)**

NOTIFICATION OF REFUSAL OF CONSENT TO CARRY OUT WORKS TO A LISTED BUILDING
--

To: **Daniel Mortimer
5 Ostlers Court
Taylors Lane Higham
Rochester
ME3 7AY**

TAKE NOTICE that the **GRAVESHAM BOROUGH COUNCIL**, the Local Planning Authority under the Town and Country Planning Acts, has **REFUSED CONSENT** for

Application for Listed Building Consent for the installation of a Velux rooflight to roof.

to the Listed Building situated:

at **Higham Hall Barn
5 Ostlers Court
Taylors Lane
Higham
Rochester
Kent
ME3 7AY**

in accordance with your application for Listed Building Consent dated 17th September 2024

and that the grounds for such refusal are:-

- 1 The proposed velux window would cause harm to the setting of the Listed Building and its historic character, and the application is supported by insufficient information and detail to ensure the preservation of its existing historic fabric. Therefore, the proposal is contrary to saved policy TC2 of the Gravesham Local Plan First Review (1994), Policy CS20 of the Gravesham Local Plan Core Strategy (2014) and Section 16 of the National Planning Policy Framework (2023).

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 27 August 2024;
Design and Access Statement;
Heritage Statement;
Supplementary Information - Velux Window Details;

Un-numbered Location Plan - Ordnance Site Location Plan (scale - 1:1250);
Un-numbered Location Plan - Block Plan (scale - 1:500);
Un-numbered Plan - Window Location Plan;
Drawing no. 001 - Existing and Proposed West Elevations.

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 38 of the National Planning Policy Framework (NPPF) 2023, 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.

In this instance the application is not in accordance with local and national planning policy and cannot be supported.

Dated: 12 November 2024

Civic Centre
Windmill Street
Gravesend
Kent
DA12 1AU

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

NOTES FOR THE APPLICANT

1. If the applicant is aggrieved by the decision of the Local Planning Authority to refuse listed building consent for the proposed works, or to grant consent subject to conditions, he may, by notice served within **six months** of receipt of this notice, appeal to the Secretary of State for the Environment in accordance with Section 20 of the Planning (Listed Buildings & Buildings in Conservation Areas) Act 1990. The Secretary of State has power to allow a longer period for the giving of a notice of appeal and he will exercise his power in cases where he is satisfied that the applicant has deferred the giving of notice because negotiations with the Local Planning Authority in regard to the proposed works are in progress.

Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>. If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.
2. If listed building consent is refused, or granted subject to conditions, whether by the Local Planning Authority or by the Secretary of State, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any works which have been or would be permitted, he may serve on the council of the district in which the land is situated a listed building purchase notice requiring that council to purchase his interest in the land in accordance with the provisions of Section 32 of the Planning (Listed Buildings & Buildings in Conservation Areas) Act 1990.
3. In certain circumstances, a claim may be made against the Local Planning Authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The

circumstances in which such compensation is payable are set out in Section 27 of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990.

Demolition cases only:

4. If the consent is granted, the consent is not valid unless **one month's notice** has been given to English Heritage, and English Heritage has been given access to make a record before work begins. (See separate form of notice Dem-LB which can be obtained from the Borough Council).