

**Application: 20211291**

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

|                                                            |
|------------------------------------------------------------|
| <b>NOTIFICATION OF GRANT OF PERMISSION TO DEVELOP LAND</b> |
|------------------------------------------------------------|

To: **Mr Paul Shovlar  
C/O Alan Penfold, Penfold Project Services  
Epmarket  
Wrotham Road  
Meopham  
DA13 0JH**

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

**The Windmill Tavern  
45 Shrubbery Road  
Gravesend  
Kent  
DA12 1JW**

and being **Retention of new seating area formed of wooden decking, a pergola roof and timber outbuilding along the north boundary**. Your application dated 15th October 2021 is permitted subject to the following:-

1. The development hereby permitted shall be retained in accordance with the following approved plans:

Planning Application Form received 14th October 2021;  
Planning Statement received 14th October 2021;  
Drawing No. 01A - Plans & Elevations received 25th January 2022;  
Drawing No. 02 - Site Location Plan received 14th October 2021;  
Drawing No. 03 - Block Plan As Existing received 14th October 2021;  
Drawing No. 04 - Block Plan As Proposed received 14th October 2021; and  
Heritage Statement received 15th October 2021.

**Reason:** For the avoidance of doubt and in the interests of proper planning.

2. Within three months of the date of this planning permission, the rainwater goods and water butts, together with the enclosing of the rear of the seating area shall be implemented and completed as shown on Drawing No. 01A - Plans & Elevations received 25th January 2022 and retained thereafter.

**Reason:** In the interest of visual amenity and to ensure the amenities of the occupiers of the surrounding properties are protected, in accordance with Policy CS19 of the Gravesham Local Plan Core Strategy 2014.

## INFORMATIVES:-

### 1 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) 2021, 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.

### 2 DEVIATION FROM THE APPROVED PLANS

It is possible that any proposed deviation from the approved plans could be classed as a 'material' change requiring a further application/permission. In the event that any change is proposed, applicants are advised to seek advice from the Local Planning Authority (as proceeding without the necessary permissions could nullify this permission).

### 3 BUILDING REGULATIONS AND PARTY WALL ACT

This decision DOES NOT imply any consent which may be required under the Building Regulations or under any other enactment or provision. Nor does it override any private rights which any person may have relating to the land affected by this decision, including the provisions of the Party Wall etc. Act 1996.

Dated: 2 February 2022

Civic Centre  
Windmill Street  
Gravesend  
Kent  
DA12 1AU

Wendy Lane MRTPI  
Assistant Director (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.
- **Appeals must be made using a form which you can obtain from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN; telephone: 0303 444 5000; email: [enquiries@pins.gsi.gov.uk](mailto:enquiries@pins.gsi.gov.uk) or online at [www.planningportal.gov.uk/pcs](http://www.planningportal.gov.uk/pcs).**
- 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.

### **COMPENSATION**

In certain circumstances compensation may be claimed from the Local Planning Authority if permission is refused or granted subject to conditions by the Secretary of State on appeal or on reference of the application to him.

These circumstances are set out in Sections 114 and related provisions of the Town and Country Planning Act 1990.