



REFULZ

Application: 20211077

**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
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To: **Mrs Joann Hill
Greenacres Farm
Brimstone Hill
Meopham
Gravesend
Kent
DA13 0BN**

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:

**Greenacres Farm
Brimstone Hill
Meopham
Gravesend
Kent
DA13 0BN**

and being **Application for removal of condition 4 attached to planning permission reference no. 20151137 to allow the annexe to be a separate residential dwelling.**

Your application dated 16th September 2021 is refused on the following grounds:-

1. The proposal would result in the separation of the annexe from the main dwelling and its use as a separate unit of living accommodation, which would result in the intensification of the use of the site and additional residential paraphernalia that would adversely impact on the openness of the Green Belt and would fail to conserve or enhance the landscape and scenic beauty of the Kent Downs Area of Outstanding Natural Beauty and Harvel Wooded Downs Landscape Character Area. The proposal is therefore considered to conflict with Policies CS02, CS12 and CS19 of the Gravesham Local Plan Core Strategy 2014 and paragraphs 80, 130, 137, 150, 174 and 176 of the National Planning Policy Framework 2021.
2. The proposal would result in a poor living environment for future occupants as a result of the lack of any dedicated amenity areas. The proposal would therefore fail to provide a high standard of amenity for future users, which would conflict with the requirements of Policy CS19 of the Gravesham Local Plan Core Strategy 2014 and paragraph 130 of the National Planning Policy Framework 2021.
3. The submitted application fails to demonstrate how parking and access for a separate dwelling will be accommodated on the site, and therefore fails to enable the assessment of the impact on parking and highway safety, contrary to Policies T1 and T5 of the Gravesham Local Plan First Review 1994 and Policy CS11 of the Gravesham Local Plan Core Strategy 2014.

4. The proposal fails to secure a contribution towards strategic mitigation measures within the Thames Estuary and Marshes SPA/Ramsar Sites to resolve disturbance issues to wintering birds, and in the absence of this contribution or any evidence to inform an appropriate assessment, the development fails to comply with the requirements of the Habitat Regulations and paragraphs 174 and 180 of the National Planning Policy Framework 2021 and Policy CS12 of the Gravesham Local Plan Core Strategy 2014.

INFORMATIVES:-

- 1 This decision was made on the basis of the following plans and documents:

Application form received 1 September 2021;
Drawing no. PL-1601/03/A (Site Plan) received 16 September 2021; and
Block Plan received 16 September 2021.

- 2 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.

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

Dated: 10 November 2021

Civic Centre
Windmill Street
Gravesend
Kent
DA12 1AU



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#### 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 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.
- 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.