



Application: 20230305

**TOWN AND COUNTRY PLANNING, ENGLAND
THE TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)
(ENGLAND) ORDER 2015**

NOTICE OF REFUSAL TO APPROVE DETAILED PLANS AND PARTICULARS
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To: **Mr Levi Friend
C/O Ms Hanan Hassan, Barron Edwards Ltd
Barron Edwards, Whitehall Place
47 The Terrace
Gravesend
DA12 2DL**

TAKE NOTICE that the **GRAVESHAM BOROUGH COUNCIL**, the Local Planning Authority under the Town and Country Planning Act 1990, has **REFUSED TO APPROVE** detailed plans and particulars submitted on 29th March 2023 in accordance with conditions 3, 4 and 5 of the Notification of Grant of Planning Permission reference 20221232 to Develop Land dated 1 March 2023 in respect of:-

Change of use of land as a further extension of the existing Gypsy and Traveller site (approved under 20190823) being a revised site layout to accommodate the approved additional 3 no. pitches including details of hardstanding areas, provision of waste treatment plant and use of part of the stable block as utility areas.

at: **O'Dell Place
Lower Higham Road
Gravesend
Kent
DA12 2NY**

and being **Application for the approval of conditions 3, 4 and 5 attached to planning permission reference number 20221232 relating to full details of hard landscaping and surface finishes for the development, a soft landscaping scheme, including a timetable for implementation and completion and any external lighting plan must demonstrate that the lighting has been designed in accordance with Bat Conservation Trust's 'Guidance Note 8 Bats and Artificial Lighting' guidelines (or subsequent editions/updates) and that artificial lighting will not adversely affect local wildlife.**

And that the grounds for such refusal are:-

1. Condition 3 of 20221232 requires full details of hard landscaping and surface finishes for the development, including details of a non-tarmac porous access drive and car parking areas (such as grass-crete or similar) in the rear paddock, which is required to soften the effect of surfacing on the site. Such details have not been submitted. A post and rail fence across the rear paddock is also unacceptable and would adversely affect the openness of the site. The proposal is therefore contrary to Policy CS19 of the Gravesham Local Plan Core Strategy 2014 and condition 3 cannot be discharged.
2. Condition 4 of 20221232 requires a soft landscaping scheme, including a timetable for implementation and completion, and details of additional native tree, hedgerow and shrub planting around the site boundaries to include their quantity, size and arrangements for aftercare, together with details of biodiversity enhancements such as hedgehog, bird and bat boxes, and log piles. No details have been provided in terms of the quantity or size of the proposed hedge plants, nor a timetable for planting implementation, nor specifications or locations of the proposed bird or hedgehog boxes.

As such details have not been submitted, the proposal is therefore contrary to Policies CS12 and CS19 of the Gravesham Local Plan Core Strategy 2014 and condition 4 cannot be discharged.

- 3 Condition 5 of 20221232 requires details of any external lighting, and should demonstrate that the lighting has been designed in accordance with Bat Conservation Trust's 'Guidance Note 8 Bats and Artificial Lighting' guidelines (or subsequent editions/updates) and that artificial lighting will not adversely affect local wildlife. Such details have not been submitted and therefore the proposal is contrary to Policies CS12 and CS19 of the Gravesham Local Plan Core Strategy 2014 and condition 5 cannot be discharged.

INFORMATIVES:-

1 PLANS AND DOCUMENTS

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

Application form

Drawing no. 001 Rev. A (Site Location Plan, Previously Approved Block Plan)

2 DEVIATION FROM APPROVED PLANS

The plan submitted with this application deviates materially from the approved planning permission 20221232 and therefore further planning permission is required. If the development fails to comply with the approved plans, it would be subject to enforcement action. The applicant is advised to consider the Officer report associated with this application for details of the deviation and for the detailed reasons for the refusal of this condition application.

3 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.

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

Dated: 30 March 2023

Civic Centre
Windmill Street
Gravesend
Kent
DA12 1AU

Wendy Lane MRTPI
Assistant Director (Planning)
Planning Service

Your attention is drawn to the following notes

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.