

Application: 20230190

**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: **Mr Mark Caldecourt, Bonnex Construction
C/O Owen Darby, Clague
62 Burgate
Canterbury
CT1 2BH
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:

**Kent Barn East Of Gore Green Road
Gore Green Road
Higham
Rochester
Kent**

and being **Application for variation of condition 2 attached to planning permission reference no. 20180380 to replace the approved Kent Barn Plans with revised drawings incorporating alterations to improve design and functionality.**

Your application dated 6th March 2023 is refused on the following grounds:-

1. The proposed alterations would result in a more domestic and unsympathetic appearance to the barn conversion which would have an unacceptable and detrimental impact on the Grade II Listed Building, contrary to Policies CS19 and CS20 of the Local Plan Core Strategy (2014), Policy TC2 of the Gravesham Local Plan: First Review (1994) and Section 16 of the National Planning Policy Framework (2021).

INFORMATIVES:-

1 DRAWINGS AND DOCUMENTS

For the avoidance of doubt, the decision to refuse this application was taken in relation to the following forms, plans and documents comprising the application:

Planning Application Forms (Planning and Listed Building);
Design & Access Statement Rev B - March 2023;
Heritage Statement - November 2022;
Archaeological Watching Brief Final Report - March 2022;
Drawing No. 29767A_001 - Site Location Plan;
Drawing No. 29767A_002 - Existing Block Plan;
Drawing No. 29767A_003 - Proposed Block Plan;
Drawing No. 29767A_400 Rev A - Proposed Kent Barn Ground Floor Plan;
Drawing No. 29767A_401 Rev A- Proposed Kent Barn First Floor Plan;
Drawing No. 29767A_402 Rev B - Proposed Kent Barn Roof Plan;

Drawing No. 29767A_403 Rev B - Proposed North East & North West Elevations;
Drawing No. 29767A_404 Rev B - Proposed South West & South East Elevations;
Drawing No. 29767A_405 Rev A - Proposed Section AA, BB & CC;
Drawing No. 1 - Topographical Survey;
Drawing No. 2 - Main Barn Floor Plan;
Drawing No. 5 - Elevations #1;
Drawing No. 6 - Elevations #2;
Drawing No. 8 - Sections 1&2;
Drawing No. 9 - Sections 3&4;
Drawing No. 10 - Sections 5&6;
Drawing No. 11 - Sections 7 TO 10;
Drawing No. 12 - Sections 11 TO 14; and
Drawing No. 13 - Sections 15&16.

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) 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 contrary to local and national planning policy and the planning objections could not be overcome by amendments to the scheme or through the imposition of acceptable and appropriate planning conditions.

Dated: 27 April 2023

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.
- **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.