



Application: 20240201

**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

To: **Mr Muhammad Hasan, Al-Haqq Academy
C/O Mr Samson Space, Samson Space
269-271 High Street
Stratford
London
E15 2TF**

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:

**The Peacock Public House
78 Peacock Street
Gravesend
Kent
DA12 1EG**

and being **Change of use of the basement and ground floor of the public house to use class F1(f) Public Worship or religious instruction (or in connection with such use).**

Your application dated 30th April 2024 is refused on the following grounds:-

1. This development would result in the loss of the existing Public House, removing the commercial use on the ground floor. Insufficient evidence has been provided to justify the loss of the public house in this location, or that a commercial use is no longer economically viable. As such the loss of the Public House is considered to be contrary to Policies CS05, CS07 and CS10 of Gravesham's Local Plan Core Strategy (LPCS) (2014) and paragraph 97 of the National Planning Policy Framework (2023).
2. The proposed change of use of the public house to a place of worship is considered to be inappropriate in this location. Due to the ambiguity surrounding the lack of clarity in terms hours of use and the number of attendees, it cannot be ascertained that the use will safeguard the amenity of the surrounding residential properties, including the residential accommodation at first and second floors of the same building. As such the proposal conflicts with the requirements of Policy CS19 of the Gravesham Local Plan Core Strategy 2014 and paragraphs 131 and 135 of the National Planning Policy Framework 2023.

INFORMATIVES:-

1 DECISION PLANS

For the avoidance of doubt, the forms, plans and documents upon which this decision is made comprise:

Application Form

REVISED DWG No. PA-644-199 - REVISED Basement Plan as Proposed
REVISED DWG No. PA0655-200 - REVISED Ground Floor Plan as Proposed
DWG No. PA-644-100 - Block Plan as Existing
DWG No. PA-644-101 - Basement Floor Plan as Existing
DWG No. PA-644-102 - Ground Floor Plan as Existing
DWG No. PA-644-103 - First Floor Plan as Existing
DWG No. PA-644-104 - Second Floor Plan as Existing
DWG No. PA-644-105 - Roof Plan as Existing
DWG No. PA-644-110 - Elevations Rear as Existing
DWG No. PA-644-111 - Elevations Front as Existing
DWG No. PA-644-110 - Elevations Rear as Proposed
DWG No. PA-644-111 - Elevations Front as Proposed
DWG No. PA-644-112 - Elevations Sides as Existing
DWG No. PA-644-112 - Elevations Sides as Proposed
DWG No. PA-644-205 - Block Plan as Proposed
Travel Plan
Document titled Additional information request
Design and Access Statement

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 manner. In this instance, the application is not in accordance with the Development Plan for the area and cannot be supported.

Dated: 22 October 2024

Civic Centre
Windmill Street
Gravesend
Kent
DA12 1AU

Shazad Ghani
MPhil, MA, BA (Hons)
Head of 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.