

Application: 20240139

**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 Steve Naish, Provectus Developments Limited
C/O Mr Andrew Street, Consilium Town Planning Services Ltd
Northdown House
Lower Street
Leeds
Maidstone
ME171RJ
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:

**Barn North Of Abbey Farm Barn
Church Street
Higham
Rochester
Kent
ME3 7LS**

and being **Change of use of an agricultural building into Five Holiday Let Accommodation Units.**

Your application dated 10th April 2024 is refused on the following grounds:-

1. The proposed change of use of barn to holiday lets will result in an increase in on-site parking and associated works such as the erection of boundary treatments and introduction of residential paraphernalia to a site that is currently undeveloped resulting in harm to the openness of the Green Belt contrary to policy CS02 of the Gravesham Core Strategy 2014, policy C11 of the Gravesham Local Plan 1994 and paragraphs 152 and 155 of the National Planning Policy Framework 2023.
2. The proposed change of use and associated works will create a form of development that will increase traffic and activity to this small rural conservation area and will contribute to the cumulative harm on this sensitive environment by changing the appearance of the barn resulting in harm to the character of the conservation area contrary to policy CS20 of the Gravesham Core Strategy 2014, policies TC2 and TC3 of the Gravesham Local Plan 1994 and Section 16 of the National Planning Policy Framework 2023.
3. The proposed development, by virtue of the introduction of parking areas and other 'residential' paraphernalia conflicts with the overall aims of policies CS12 and CS19 that seek, amongst other things, to ensure all proposals for new development are visually attractive and locally distinctive, conserve and enhance the local natural environment

and landscape character and integrate well with the surrounding local area. Similarly, it would not accord with the aims of paragraphs 135 and 180 of the National Planning Policy Framework 2023 that seeks that developments should be sympathetic to the local character and landscaping setting and recognise the intrinsic character and beauty of the countryside.

4. The applicant has failed to submit an Ecological Impact Assessment that addresses all potential impacts within the zone of influence of the site and therefore the proposed development fails to fully assess the impact the development on roosting bats and barn owls as well as other protected species that may occur. In addition to this the proposal fails to secure a contribution towards strategic mitigation measures within Special Protection Areas, and therefore the development conflicts with the requirements of the Habitat Regulations and Section 15 (specifically paragraphs 186 and 187) of the National Planning Policy Framework 2023 and Policy CS12 of the Gravesham Local Plan Core Strategy 2014.

INFORMATIVES:-

1 SUBMITTED DRAWINGS

For the avoidance of doubt the submitted drawings are:

Preliminary Roost Assessment
Structural Report by ABP
Structural Report Photos
Flood Risk Assessment
Planning Statement
Heritage Statement
Proposed block plan
Site Plan
Topographical drawing
Proposed plans

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 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. The proposal does not accord with adopted Policies and has therefore been recommended for refusal.

Dated: 3 June 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.