



Application: 20221342

**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: **T Russell
C/O Mr Paul Nicholls, Graham Simpkin Planning Ltd
2 The Parade
Ash Road
Hartley
Longfield
DA3 8BG
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:

**Starwood
Pear Tree Lane
Shorne
Gravesend
Kent
DA12 3JU**

and being **Demolition of existing stables and removal of containers and conversion of existing framed structure to form separate bungalow with three bedrooms plus erection of detached double garage, additional single storey rear extension, front porch and use of existing access**

Your application dated 21st December 2022 is refused on the following grounds:-

1. The site lies within the Metropolitan Green Belt where the construction of new buildings is inappropriate development unless it is for one of the excepted forms of development set out in paragraph 149 or 150 of the National Planning Policy Framework (NPPF), 2021. The proposal is for a separate dwelling and not as an annexe and results in the splitting of the residential curtilage. The building of a dwelling, whether as conversion or otherwise would still by definition result in a form of encroachment in the countryside by reason of the nature of the development and the paraphernalia and associated development that goes with what will be a separate dwelling from the existing dwelling on the site. The development does not, in the opinion of the Local Planning Authority, fall within the exceptions to inappropriate development in the Green Belt in the NPPF. No very special circumstances have been put forward to outweigh the harm to the Green Belt or any other identified harm and therefore the proposal is contrary to Policy CS01 (Sustainable Development) and Policy CS02 (Scale and Distribution of Development) of the Gravesham Local Plan Core Strategy (2014) and section 13 of the National Planning Policy Framework (2021) (Protecting Green Belt Land).
2. The applicant has failed to provide any ecological evidence to inform a habitat regulations assessment to address the impact of the proposed development on the Thames Estuary and Marshes Ramsar site and Special Protection Area (SPA) or offered

a financial contribution towards the identified mitigation measures to address the impact of the development on the SPA/Ramsar site. The proposal is therefore contrary to Policy CS12 (Green Infrastructure) of the Gravesham Local Plan Core Strategy (2014) which seeks to ensure that detrimental effects on the integrity of SPA/Ramsar sites are avoided, and also contrary to Paragraphs 180 and 181 of the NPPF (2021), and the requirements of the Conservation of Habitats and Species Regulations 2017.

INFORMATIVES:-

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

2 DRAWINGS AND DOCUMENTS

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

Application Form - dated 19 December 2022;
Planning, Design and Access Statement (ref 3760.PN) - dated December 2022;
Preliminary Ecological Appraisal (PEA) (ref 0920_R01_PEA) - dated 10 March 2022;
Ecological Impact Assessment (ECIA) (ref 0920_R02_EcIA) - dated 22 April 2022;
Supplementary Information - Appeal Decision (APP/G2245/W/19/3236750);
Supplementary Information - Appeal Decision (APP/H1840/W/19/3235302);
Supplementary Information - Appeal Decision (APP/T4210/W/21/3266223);
Supplementary Information - Appeal Decision (APP/K2230/D/22/3298308);
Drawing no. 3514 01 - Site Location Plan;
Drawing no. 3514 02 - Existing Block Plan;
Drawing no. 3514 03 - Existing Stables Floor Plan;
Drawing no. 3514 04 - Existing Stables Elevations;
Drawing no. 3514 05 - Existing Outbuildings Elevations;
Drawing no. 3514 06 - Proposed Block Plan;
Drawing no. 3514 07 - Proposed Floor Plan;
Drawing no. 3514 08 - Proposed Elevations;
Drawing no. 3514 09 - Proposed Garage Floor Plan and Elevations;
Drawing no. 3514 10 - Proposed Section;
Drawing no. 22/07/A - Topographical Survey (dated 04 March 2022).

Dated: 15 February 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:

- 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
- 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 –

- an application for change of use;
- 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.