

Application: 20250180

**TOWN AND COUNTRY PLANNING ACT 1990
THE TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)
(ENGLAND) ORDER 2015 (AS AMENDED)**

NOTIFICATION OF GRANT OF PERMISSION TO DEVELOP LAND
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To: **Mr & Mrs Usher
C/O Mr Alan Penfold, Penfold Project Services
Epmarket
Wrotham Road
Meopham
DA13 0JH**

TAKE NOTICE that the **GRAVESHAM BOROUGH COUNCIL**, the Local Planning Authority under the Town and Country Planning Acts, has **GRANTED PERMISSION** for development of land situate at:

**1 Gabriel Gardens
Gravesend
Kent
DA12 4QD**

and being **Erection of a new two storey dwelling attached to existing dwelling with associated works. Erection of front porch and creation of vehicular crossover to existing dwelling.** Your application dated 5th August 2025 is permitted subject to the following:-

1. The development hereby approved shall be begun not later than 3 years following the date of this decision.

Reason: In pursuance of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following schedule of approved plans:

Application for Planning Permission form;
Drawing no. 21 Existing layouts and elevations;
Drawing no. 202B Proposed layouts and elevations;
Drawing no. 203D Site location plan;
Drawing no. 204E Existing and proposed block plans;
Drawing no. 205 Proposed block plan with privacy distances;
Planning, Design & Access Statement February 2025;
Baseline habitats image;
BNG metric;
BNG statement;
Preliminary ecological appraisal 21 July 2025;
SAMMS contribution agreement;
Letter from the agent dated 23 September 2025; and
Two emails from the agent received 15 October 2025.

Reason: For the avoidance of doubt and in the interests of proper planning.

3. Prior to the commencement of works above slab level, a scheme detailing the proposed hard and soft landscaping associated with the development shall be submitted to and approved, in writing, by the Local Planning Authority. The details shall include:

- (i) the type and species of planting to be carried out to include their quantity and size;
- (ii) a timetable for implementation;
- (iii) details of initial aftercare, long term maintenance and details for monitoring and remedial measures; and
- (iv) the materials for all areas of hardstanding.

The approved landscaping scheme shall thereafter be implemented in accordance with the approved timetable and maintained in accordance with the approved details. Any trees or plants that die, are damaged, removed or become diseased within five years from the date of planting shall be replaced with a species of a similar size and species during the next available planting season.

Reason: To ensure an acceptable standard of development upon completion through provision and long term management of soft landscaping in accordance with Policies CS12 and CS19 of the Gravesham Local Plan Core Strategy 2014.

4. Prior to the commencement of works above slab level, details of measures to reduce the adverse impacts of climate change (such as the provision of electric vehicle charging points and energy and water saving proposals) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In order to ensure a satisfactory standard of development in accordance with Policies CS18 and CS19 of the Gravesham Local Plan Core Strategy September 2014.

5. Prior to the commencement of works above slab level, a Biodiversity Enhancement Plan (BEP) shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include full details of biodiversity enhancements based on recommendations from the Preliminary Ecological Appraisal (KB Ecology, July 25). The approved plan shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason: To protect and enhance biodiversity in accordance with Policy CS12 of the Gravesham Local Plan Core Strategy (2014).

6. Prior to the first occupation of the development hereby permitted, details of the means for storing refuse for the new dwelling shall be submitted to and approved, in writing by the Local Planning Authority. The approved refuse storage facilities shall be provided before the development hereby permitted is first occupied and thereafter retained at all times.

Reason: In the interests of visual and residential amenity and in line with Policy CS19 of the Gravesham Local Plan Core Strategy September 2014.

7. Prior to the first occupation of the development hereby permitted, details of secure and weatherproof cycle storage for two cycles for the new dwelling shall be submitted to and approved, in writing, by the Local Planning Authority. The approved cycle storage shall be provided before the development hereby permitted is first occupied and thereafter retained at all times.

Reason: To ensure adequate cycle storage provision at the application site and in accordance with Policies CS11 and CS19 of the Gravesham Local Plan Core Strategy (2014).

8. Prior to the first occupation of the development hereby permitted, the rear pedestrian accesses for both dwellings (as shown on drawing no. 204D) shall be provided and thereafter be retained at all times.

Reason: In the interests of residential amenity and in accordance with Policy CS19 of the Gravesham Local Plan Core Strategy 2014.

9. Within twelve months of the first use of the development hereby permitted, photographic evidence of the implementation of the approved biodiversity enhancement measures as required by condition 5 (the BEP condition) shall be submitted to and approved, in writing, by the Local Planning Authority. The approved biodiversity enhancement measures shall thereafter be retained.

Reason: To protect and enhance biodiversity in accordance with Policy CS12 of the Gravesham Local Plan Core Strategy (2014).

10. Notwithstanding the details included on the application form and approved plans the materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing dwelling.

Reason: To ensure a satisfactory visual relationship between the existing and the new development in accordance with Policy CS19 of the Gravesham Local Plan Core Strategy (2014).

11. Any window serving a bathroom/w.c./ensuite must be fitted with obscure glass to a level equivalent to Pilkington Level 3 or above (or the nearest equivalent standard) only at all times.

Reason: To protect the privacy of future occupiers and to prevent undue overlooking of any adjoining property, in accordance with Policy CS19 of the Local Plan Core Strategy 2014.

12. Notwithstanding the provisions of Article 3, and Part 1 Classes A and G of Schedule 2 to the Town and Country Planning (General Permitted Development)(England) Order 2015, as amended, or any provision equivalent to those Classes in any statutory instrument revoking and re-enacting that Order, with or without modification, no window, door or other form of opening shall be formed in flank elevation of the development hereby permitted.

Reason: In order to safeguard the amenity and privacy of the occupants of the neighbouring properties in accordance with Policy CS19 of the Gravesham Local Plan Core Strategy (2014).

13. The areas shown on approved drawing no. 204D as new and existing vehicle parking shall be formed and surfaced before the development hereby permitted is first brought into use and thereafter kept available at all times for such use, and no development, whether or not permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended, or any provision equivalent to that Order in any statutory instrument revoking and re-enacting that Order, with or without modification, shall be carried out on the site in such a manner or in such a position so as to preclude their use for vehicle parking.

Reason: To ensure adequate parking provision at the application site, in accordance with Policy CS11 of the Gravesham Local Plan Core Strategy (September 2014) and Saved Policy P3 of the Gravesham Local Plan First Review 1994.

14. The detached garage shown on drawing no. 204D shall be used only for the accommodation of private motor vehicles for the residential occupants of the dwelling hereby permitted, as a private dwelling house and for no other purpose. No development, whether or not permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any provision equivalent to that Order in any Statutory Instrument revoking or re-enacting that Order, with or without modification, shall be carried out on the site in such a manner or in such a position as to preclude the use of, or access to, the garage.

Reason: To ensure adequate parking provision at the application site, in accordance with Policy CS11 of the Gravesham Local Plan Core Strategy (September 2014) and Saved Policy P3 of the Gravesham Local Plan First Review 1994.

15. The existing vehicle crossover shall be extended to provide access to the existing parking area at no. 1 Gabriel Gardens (as shown on drawing no. 204D) before the development hereby permitted is first brought into use.

Reason: To ensure adequate parking provision at the application site, in accordance with Policy CS11 of the Gravesham Local Plan Core Strategy (September 2014) and Saved Policy P3 of the Gravesham Local Plan First Review 1994.

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 39 of the National Planning Policy Framework (NPPF) 2024, 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.

2 BUILDING REGULATIONS AND PARTY WALL ACT

This decision DOES NOT imply any consent which may be required under the Building Regulations or under any other enactment or provision. Nor does it override any private rights which any person may have relating to the land affected by this decision, including the provisions of the Party Wall etc. Act 1996.

3 DEVIATION FROM APPROVED PLANS

It is possible that any proposed deviation from the approved plans could be classed as a 'material' change requiring a further application/permission. In the event that any change is proposed, applicants are advised to seek advice from the Local Planning Authority [as proceeding without the necessary permissions could nullify this permission].

4 NESTING BIRDS

All wild birds and their nests are protected from harm under Section 1 of the Wildlife and Countryside Act 1981. As such, any works which may result in impacts to nesting birds should be conducted outside of the core nesting season which is March through August (inclusive) or under ecological supervision. A suitable exclusion zone should be established around any active bird nest in the event one is discovered during works; this exclusion zone should be maintained until all nesting birds have fledged and the nest is unoccupied.

5 KCC HIGHWAYS & TRANSPORTATION

It is important to note that Local Planning Authority (LPA) permission does not convey any approval to carry out works on or affecting the public highway.

Any changes to or affecting the public highway in Kent require the formal agreement of the Highway Authority, Kent County Council (KCC), and it should not be assumed that this will be a given because LPA planning permission has been granted.

For this reason, anyone considering works which may affect the public highway, including any highway-owned street furniture or landscape assets such as grass, shrubs and trees, is advised to engage with KCC Highways and Transportation at an early stage in the design process.

Across the county there are pieces of land next to private homes and gardens and near the highway that do not look like roads or pavements but are actually part of the public highway.

Some of this highway land is owned by Kent County Council whilst some is owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil.

Works on private land may also affect the public highway. These include works to cellars, to retaining walls which support the highway or land above the highway, and to balconies, signs or other structures which project over the highway. Such works also require the approval of the Highway Authority.

Kent County Council has now introduced a pre-application advice service in addition to a full formal technical approval process for new or altered highway assets, with the aim of improving future maintainability. Further details are available on our website below:

<https://www.kent.gov.uk/roads-and-travel/highway-permits-and-licences/highways-permissions-and-technical-guidance>.

This process applies to all development works affecting the public highway other than applications for vehicle crossings, which are covered by a separate approval process. Further details on this are available on our website below:

<https://www.kent.gov.uk/roads-and-travel/highway-permits-and-licences/apply-for-a-dropped-kerb/dropped-kerb-contractor-information>

Once planning approval for any development has been granted by the LPA, it is the responsibility of the applicant to ensure that before development commences, all necessary highway approvals and consents have been obtained, and that the limits of the highway boundary have been clearly established, since failure to do so may result in enforcement action being taken by the Highway Authority.

The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under the relevant legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

Further guidance for applicants, including information about how to clarify the highway boundary and links to application forms for vehicular crossings and other highway matters, may be found on Kent County Council's website:

<https://www.kent.gov.uk/roads-and-travel/highway-permits-and-licences/highways-permissions-and-technical-guidance>.

Alternatively, KCC Highways and Transportation may be contacted by telephone: 03000 418181.

6 PROXIMITY OF GAS PIPELINES

The applicant should note that there is a gas pipeline located in close proximity to the front boundary of the application site. Therefore it is advisable for the applicant to contact SGN (Southern Gas Networks) to establish the exact location of all gas infrastructure in the surrounding area, prior to the commencement of any groundworks at the application site.

SGN telephone: 0800 912 1700
SGN email: customer@sgn.co.uk

7 SMOKE CONTROL

The proposed development is situated in a smoke control area. As such, only authorised smokeless fuels as listed in the Smoke Control Areas (Authorised Fuels) Regulations 1991 shall be burnt or fireplaces/appliances exempted by Smoke Control (Exempted Fireplaces) Orders shall be utilised. Exempt appliances are appliances (ovens including pizza and tandoori ovens, wood burners and stoves) which have been exempted by Statutory Instruments (Orders) under the Clean Air Act 1993. These have passed tests to confirm that they are capable of burning an unauthorised or inherently smoky solid fuel without emitting smoke. They must be fitted and used according to manufacturer's instructions and they can only be used for the fuel for which they are designed.

When purchasing fuels and fireplaces the applicant should clarify with the vendor their suitability with respect to use in Smoke Control Areas. For further information, including confirmation that an appliance and/or fuel is suitable for use in a smoke control area, the applicant should contact the Council's Regulatory Services air.quality@gravesham.gov.uk.

8 DRAINAGE/SEWERAGE

The foul sewage shall be removed by means of the mains drainage system and not by the use of non-mains sewerage systems, unless connection to the drainage system is not reasonably practicable.

9 WORKS OF CONSTRUCTION

Hours of work of construction site plant, equipment and machinery, should be restricted to not earlier than 7.00 a.m. and not later than 6.00 p.m. weekdays and Saturday working should be restricted to not earlier than 8.00a.m. and not later than 1.00 p.m. No work shall be carried out on Sundays, Bank or Public Holidays.

- i. Suitable sound attenuation shall be used at all times in respect of all plant, machinery and equipment in operation on site in order to aid prevention of noise nuisance. Compliance with BS 5228: Part 1: 1984 and subsequent amendments regarding the use of equipment on site will be required in appropriate cases.
- ii. A suitable method of control shall be used in order to aid prevention of dust nuisance arising from work activities on site.
- iii. Burning of waste materials shall not be carried out on site. Such materials are to be stored in a suitable receptacle, as far from residential accommodation as reasonably practicable, pending disposal off site.
- iv. Adequate arrangements shall be made to remove all waste material from the site on a regular basis and to dispose of it at a suitably licensed waste disposal site.

Dated: 31 October 2025

Civic Centre
Windmill Street
Gravesend
Kent
DA12 1AU

Shazad Ghani
MPhil, MA, BA (Hons)
Head of Planning
Planning Service

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### 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.