



REFULZ

Application: 20220300

**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 A. Castle
C/O Mr James Barron, Barron Edwards Ltd
Whitehall Place
47 The Terrace
Gravesend
Kent
DA12 2DL**

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:

**Land Adjacent To
Gingerbread Cottage
Northfleet Green
Gravesend
Kent
DA13 9PT**

and being **Change of use of land and workshop from residential curtilage to commercial B2 workshop with ancillary access and parking including the erection of an additional workshop.**

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

1. The development further urbanises the site adding to the built-up nature of the site and eroding its character, which would be harmful to the openness of the Green Belt and an encroachment of the countryside. As such, the proposal would be inappropriate development in the Green Belt, which would undermine one of the purposes of including land within the Green Belt and would be contrary to Policy CS02 of the Gravesham Local Plan Core Strategy September 2014 and Section 13 (Protecting Green Belt Land) and specifically paragraphs 137, 138, 149 and 150 of the National Planning Policy Framework (NPPF) 2021.

The applicant has not advanced any 'very special circumstances' argument or indeed any convincing justification for the development pursuant to paragraphs 143 and 144 of the NPPF sufficient to overcome the presumption against such inappropriate development.
2. The development results in visual harm to and impact within the wider landscape which is located within the Istead Arable Farmlands Landscape Character Area in the Gravesham Landscape Character Assessment, May 2009 and the development would be contrary to Gravesham Local Plan Core Strategy Policies CS12 (Green Infrastructure) and CS19 (Development and Design Principles) and section 12 (Achieving well designed places) of the National Planning Policy Framework (NPPF) 2021.

In addition, the development and proposals as submitted result in biodiversity loss contrary to Policy CS12 (Green Infrastructure) of the Gravesham Local Plan Core Strategy 2014.

3. The development is inappropriately sited adjacent to residential homes and a commercial Use Class B2 (general industrial use) will impact on these residential properties from noise, smoke, dust, odour and drainage, which may not be easily controlled with statutory nuisance powers. No noise impact has been submitted with the application and no details have been provided of how odour generated by the use can be controlled by an appropriate extraction system.

As such the development would be harmful to local amenity and contrary to Policy CS19 (Development and Design Principles) of the Gravesham Local Plan Core Strategy 2014 requires new development to safeguard the amenity, and also to Paragraph 130 of the National Planning Policy Framework (NPPF) 2021 that requires development to have a high standard of amenity for existing users.

4. The proposed development would result in an unacceptable impact on highway safety, due to the potential levels of commercial traffic that would be generated by the development and with the intensified use that would occur and the inadequate access from the site on to Northfleet Green Road. Northfleet Green Road is a narrow and winding metalled road with poor forward visibility and only limited passing places and the development would seriously impact on the local highway network. No sustainable transport measures have been proposed in accordance with local and national policy.

As such the development is considered to be contrary to Section 9, Paragraphs 104 - 113, (Promoting Sustainable Transport) of the National Planning Policy Framework (2021), Policy CS11 (Transport) of the Gravesham Local Plan Core Strategy (2014) and Saved Policies T1, T4, T5 and P3 of the Gravesham Local Plan First Review (November 1994).

INFORMATIVES:-

1 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 and Certificates

Design, Access and Planning Statement by Barron Edwards dated 14 March 2022

Drawing No 220302 001 Rev B: Location Plan, Existing and Proposed Block Plan

Drawing No 220302 002 Rev B: Proposed Plan and Elevations

Applicant's agent email dated 28 July 2022

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 however, the application is not in accordance with the Development Plan for the area and cannot be supported. The harm to the openness of the Green Belt, to the character and appearance of the surrounding area, the rural landscape, local residential amenity and to highway safety was considered overriding and could not be overcome by amendments to the submitted scheme or by the imposition of planning conditions.

Dated: 31 August 2022

Civic Centre
Windmill Street
Gravesend
Kent
DA12 1AU



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.
- **Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>. If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.**
- 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.

COMPENSATION

In certain circumstances compensation may be claimed from the Local Planning Authority if permission is refused or granted subject to conditions by the Secretary of State on appeal or on reference of the application to him.

These circumstances are set out in Sections 114 and related provisions of the Town and Country Planning Act 1990.