

**Application: 20230941**

**TOWN AND COUNTRY PLANNING, ENGLAND  
THE TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)  
(ENGLAND) ORDER 2015**

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| <b>NOTICE OF REFUSAL TO APPROVE DETAILED PLANS AND PARTICULARS</b> |
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To: **Mr Ali Yazdi  
C/O Mr Mohamed Abdulla, SIFA Architecture  
3 St James Avenue  
Ramsgate  
CT12 6DG**

**TAKE NOTICE** that the **GRAVESHAM BOROUGH COUNCIL**, the Local Planning Authority under the Town and Country Planning Act 1990, has **REFUSED TO APPROVE** detailed plans and particulars submitted on 20th September 2023 in accordance with conditions 4 and 5 of the Notification of Grant of Planning Permission reference 20210130 to Develop Land dated 11 May 2021 in respect of:-

**Application for change of use of ground floor from retail (Use Class E(a) to hot food-takeaway (sui generis), installation of ventilation/extraction ducting and relocation of external stairs to the rear.**

at: **7 Queen Street  
Gravesend  
Kent  
DA12 2EQ**

and being **Application for the approval of conditions 4 and 5 attached to planning permission reference 20210130 in relation to details of the ventilation extraction system (4) and full details of the colour finish to the external elements of the extraction flue and its ducting (5).**

And that the grounds for such refusal are:-

- 1 The information submitted pursuant to condition 4 of planning permission 20210130 do not include details of any noise attenuation measures for the extraction system or any justification as to why these might not be needed. As such it is not possible to assess whether the ventilation extract system would result in a detrimental impact on the amenities of occupiers of adjoining and nearby residential properties. Condition 4 cannot be discharged and the proposal is considered contrary to Policy CS19 of the Gravesham Local Plan Core Strategy 2014 that seeks to protect amenity.

**INFORMATIVES:-**

**1 DECISION PLANS**

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

Application Form;  
Supplementary Information - Extraction Report;  
Supplementary Information - Photos received from agent on 25.09.23;  
Block plan (received on 11.09.23); and  
Elevation and Floor Plans - Existing and Proposed (received on 11.09.23).

## 2 STATEMENT OF POSITIVE AND PROACTIVE

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.

## 3 ADVICE FOR APPLICANT

The applicant is requested to read the delegated report for this application, as it contains guidance as to how the details should be amended to ensure compliance with the conditions attached to planning permission reference 20210130.

Dated: 15 November 2023

Civic Centre  
Windmill Street  
Gravesend  
Kent  
DA12 1AU

Wendy Lane MRTPI  
Assistant Director (Planning)  
Planning Service

**Your attention is drawn to the following notes**

### **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.