



REFULZ

Application: 20220791

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

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| <b>NOTIFICATION OF REFUSAL OF PERMISSION TO DEVELOP LAND</b> |
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To: **Mr Roy Leaney  
C/O Mr James Barron, Barron Edwards Ltd  
Whitehall Place  
47 The Terrace  
Gravesend  
DA12 2DL  
Kent**

**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:

**Ewhurst  
Bowesden Lane  
Shorne  
Gravesend  
Kent  
DA12 3LA**

and being **Demolition of existing self-contained annexe and side porch and outline application for the erection of a 3 bedroom detached dwelling**

Your application dated 15th July 2022 is refused on the following grounds:-

1. The application site is previously developed land that lies within the Metropolitan Green Belt where inappropriate development should not be approved except in very special circumstances. Whilst forms of development are permissible in the Green Belt, including partial or complete redevelopment of previously developed sites, the proposed development should not amount to inappropriate development by virtue of having a greater impact on the openness of the Green Belt, and the purpose of including land within it, than the existing development on site. The development will not preserve the openness of the Green Belt through construction of a dwelling, associated hardstanding, lighting, car parking and residential paraphernalia and will conflict with the purposes of including land within the Green Belt as it will encroach into the countryside and urbanise the site. In the absence of any 'very special circumstances' that may otherwise outweigh the harm by reason of inappropriateness, and any other harm, the proposed development is considered to be contrary to the advice in National Planning Policy Framework Section 9 (Protecting Green Belt Land).
2. The proposal fails to secure a contribution towards strategic mitigation measures within Special Protection Areas, and in the absence of this contribution or adequate information to inform an Appropriate Assessment, the development fails to comply with the requirements of the Habitat Regulations and Section 14 (specifically paragraphs 170, 175, 176 and 177) of the National Planning Policy Framework (2021) and Policy CS12 of the Gravesham Local Plan Core Strategy (September 2014).

**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 14/07/2022;  
Covering Letter - dated 11/07/2022;  
Supplementary Information - Tenancy Agreement;  
Supplementary Information - Council Tax Rates (2013-2014);  
Drawing no. 001 - Rev. A - Site Location Plan and Existing/Proposed Block Plans;  
Drawing no. 002 - Rev. A - Existing Plans and Elevations;  
Drawing no. 003 - Rev. A - Proposed Plans and Elevations.

Dated: 7 September 2022

Civic Centre  
Windmill Street  
Gravesend  
Kent  
DA12 1AU



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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.
- **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.