

Application: 20230845

**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
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To: **Mr Frank Pyke
C/O Mr Leon Hall, L H Hall Design
2 Clackmarras County Houses
Longmorn
Elgin
IV30 8RN**

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:

**Rhydda Bank
Dean Lane
Harvel
Gravesend
Kent
DA13 0BS**

and being **Erection of a three bedroom bungalow with attached garage.**

Your application dated 9th August 2023 is refused on the following grounds:-

1. The site is within the approved Metropolitan Green Belt. Within the Green Belt there is a strong presumption against permitting new development outside of the present defined extent of urban areas and the present extent of any village. National Planning Policy Framework Section 13 (Protecting Green Belt Land) indicates that the most important attribute of Green Belts is their openness. The proposed development is inappropriate development and would cause harm to the Green Belt, and to the character and appearance of the area. As such the proposal is considered to be contrary to the advice in Section 13 of the National Planning Policy Framework 2023, and Policy CS02 of the Gravesham Core Strategy 2014.
2. The site lies in the designated countryside outside the confines of the urban areas and rural settlements. The proposal comprises of residential development in the countryside, being within an unsustainable location and contrary to Policies CS01 and CS02 of Gravesham Core Strategy 2014 and paragraph 79 of the National Planning Policy Framework 2023.
3. The proposed development will result in loss of biodiversity to the site with no details of how this could be mitigated and is therefore contrary to Policy CS12 of the Gravesham Core Strategy 2014 and paragraph 180 of the National Planning Policy Framework 2023.
4. The proposed detached dwelling by virtue of its small rear garden, large area of hardstanding to the front, will result in an incongruous and cramped form of development

out of character with the surrounding properties contrary to policy CS19 of the Gravesham Core Strategy 2014 and para. 130 of the National Planning Policy Framework 2023.

5. The site is within the Harvel Wooded Downs designated landscape character area and North Downs Area of Outstanding Natural Beauty where new residential development and its associated residential paraphernalia will result in visual harm by suburbanising the site contrary to Policy CS12 of the Gravesham Core Strategy 2014, SC1, SD3 and SD8 of the Kent Downs Area of Outstanding Natural Beauty Management Plan and Section 15 of the National Planning Policy Framework 2023 which seek to give long term protection of these areas.
6. The proposed development will result in insufficient sightlines, visibility spays and fails to demonstrate the space needed for foul sewerage removal and therefore raises concerns regarding highway safety contrary to Policies T1 and T5 of the Gravesham Local Plan 1994 and Policy CS11 of the Gravesham Core Strategy 2014.

INFORMATIVES:-

1 SUBMITTED DRAWINGS

For the avoidance of doubt the submitted drawings are:

Application form;
Design and Access Statement; and
Drawing no. PL-1710 (proposed plans).

2 STATEMENT OF POSITIVE AND PROACTIVE APPROACH TO DECISION-TAKING

In accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure)(England) Order 2015 and paragraph 38 of the National Planning Policy Framework, the Local Planning Authority has approached the assessment and determination of this application in a positive and proactive manner and, where appropriate, has worked 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, the applicant was provided with pre-application advice but the application is still contrary to local and national policy.

Dated: 28 September 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.