

Application: 20230673

**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 H Jeeves
C/O Dr Simon Ruston, Ruston Planning
The old office
1 Great Ostry
Shepton Mallet
BA4 5TT**

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:

**The Robins
Heron Hill Lane
Meopham
Gravesend
Kent
DA13 0DT**

and being **Change of use of land to create an extension to an Existing Gypsy/Traveller pitch.**

Your application dated 17th July 2023 is refused on the following grounds:-

1. The site lies in the Green Belt outside the built up confines of the settlement of Culverstone Green. The proposal is inappropriate development and will introduce a significant level of built development, hard surfacing, retaining structures and mobile structures onto a previously undeveloped site. Given the scale and spread of the proposed development will harm the openness of the Green Belt and will result in encroachment of built development into the countryside. In the absence of any very special circumstances to outweigh the degree of harm caused to the Green Belt and other identified harm the proposal is contrary to the requirements set out in Section 16 (paragraph 149 (e) of the National Planning Policy Framework 2023, the Planning Policy for Travellers Sites 2015 and policies CS01 (Sustainable Development) and CS02 (Scale and Spatial Distribution of Development) of the Gravesham Local Plan Core Strategy (2014).
2. The site lies in the Harvel Wooded Downs Landscape Character Area. The proposal, by virtue of its location, nature, scale and spread, combined with the specific characteristics of the site and the immediate surroundings, in particular the woodland surroundings, the topography, its locally prominent location and proximity to footpaths and unmade tracks, will cause harm to the local rural landscape character and detract from the rural and visual amenities of the area, contrary to policies CS12 (Green Infrastructure), CS17 (Traveller Sites) and CS19 (Development and Design principles) of the Gravesham Core Strategy (2014) which seek to ensure that new development conserves and enhances the natural environment and landscape character in line with the Gravesham Landscape character Assessment and integrates well into the surrounding area.

3. The proposal lies within the Happy Valley Local Wildlife Site where woodland habitat has been removed in advance of the proposed development. The proposal fails to include sufficient compensatory measures in terms of mitigation planting or landscaping to offset the habitat loss and will introduce residential activity in close proximity to ancient woodland. The proposal will therefore fail to conserve or enhance the biodiversity value of the Local Wildlife Site in line with Core Strategy policy CS12 (Green Infrastructure).
4. The proposed development by virtue of the loss of trees and vegetation on the site would result in significant adverse biodiversity impacts that would be contrary to the provisions of Core Strategy Policy CS12 and National Planning Policy Framework 2023 paragraphs 174 and 180.
5. The site, due to its location away from community services and its access via an unlit road with no pavements results in accommodation in an unsustainable location which conflicts with local and national planning policy for the location of gypsy and traveller sites, in particular policies CS01, CS02 and CS19 in the Core Strategy, paragraph 25 of the PPTS and paragraph 79 of the National Planning Policy Framework 2023.

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:

Planning Statement

Landscape Design Statement

Drawing no. TDA.2872.03 (proposed site layout and outline landscape scheme)

Drawing no. TDA.2872.02 (existing site plan)

Drawing no. TDA.2872.01 (site location plan)

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) 2023, 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, the applicant has not made use of the Council's pre-application service and the proposal conflicts with adopted policy.

Dated: 27 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.