



Application: 20240559

**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 Yadwinder Gill
C/O Mr David Meaney, DKM Consultants LTD
82 Longfellow Road
Gillingham
ME75QQ
United Kingdom**

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:

**Furzy Lea
Bowesden Lane
Shorne
Gravesend
Kent
DA12 3LA**

and being **Engineering / landscaping works to enable terracing of the land including the building of concrete retaining walls dressed in face brickwork.**

Your application dated 29th July 2024 is refused on the following grounds:-

1. The proposed development introduces an incongruous and obtrusive development, completely at odds with its surroundings, which would detract from the visual and spatial quality of this open landscape and would significantly harm the rural character of this site within the Shorne Woodlands Landscape Character Area. The development is therefore contrary to the requirements of section 15 of the National Planning Policy Framework 2023, Policies CS12 and CS19 of the Gravesham Local Plan Core Strategy 2014, and the Gravesham Landscape Character Assessment 2009.
2. The proposal is considered to comprise an inappropriate development in the Green Belt that would introduce a significant expanse of built development and features into this open, site, causing substantial and permanent detriment to the openness of the Green Belt and conflicting with the purpose that this land is included within it. The development is therefore contrary to the requirements of paragraphs 142,143 and 155 of the National planning Policy Framework (2023) and Policy CS02 of the Gravesham Local Plan Core Strategy 2014.

INFORMATIVES:-

1 DECISION PLANS

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

Application Form Dated 19/06/2024;
Supplementary Information - Planning Statement;
Topographical Survey;
Plan of Retaining Wall;
Drawing Number DKM/4401/01 (Section AA);
Drawing Number DKM/4401/04 (Section EE);
Drawing Number DKM/4401/07 (Section FF);
Drawing Number DKM/4401/08 (Section Plan);
Drawing Number DKM/4401/06 (Section GG);
Drawing Number DKM/4401/03 (Section CC);
Drawing Number DKM/4401/02 (Section BB);
Drawing Number DKM/4401/01 (OS Plan);
Drawing Number DKM/4401/02 (Block Plan - Existing); and
Drawing Number DKM/4401/03 (Block Plan - Proposed).

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 proposal is contrary to local and national planning policy and cannot be supported.

Dated: 23 September 2024

Civic Centre
Windmill Street
Gravesend
Kent
DA12 1AU

Shazad Ghani
MPhil, MA, BA (Hons)
Head of 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:

- (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.