



Application: 20211056

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

NOTIFICATION OF GRANT OF PERMISSION TO DEVELOP LAND

To: **Mr And Mrs Capek
C/O Mr Leslie Hutchinson, Building Design Studio
26 Klings Hill Avenue
King Hill
West Malling
ME19 4AE**

TAKE NOTICE that the **GRAVESHAM BOROUGH COUNCIL**, the Local Planning Authority under the Town and Country Planning Acts, has **GRANTED PERMISSION** for development of land situate at:

**196 Lower Higham Road
Gravesend
Kent
DA12 2NN**

and being **Erection of detached garage and home office**. Your application dated 23rd August 2021 is permitted subject to the following:-

1. The development hereby approved shall be begun not later than 3 years following the date of this permission.

Reason: In pursuance of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Application Form Received 23/08/2021;
 - Drawing No: BDS-LHR-P901 (Existing Site Plan, Location Plan & Section AA) Received 23/08/2021;
 - Drawing No: BDS-LHR-P902 (Proposed Site Plan, Location Plan & Section AA) Received 23/08/2021;
 - Drawing No: BDS-LHR-P903 (Proposed Plans and Elevations) Received 23/08/2021;
 - Drawing No: TRK01 (Swept Path Analysis) Received 08/10/2021

Reason: For the avoidance of doubt and in the interests of proper planning

3. Prior to bringing into use of the garage herein approved, vision splays of 2.0m x 2.0m shall be provided on both sides of the vehicular access points and no obstruction of sight more than 0.6m above carriageway level shall be permitted within the splays thereafter.

Reason: To safeguard highway safety in accordance with Policy CS11 of the Core Strategy 2014.

4. Notwithstanding the provisions of Article 3, and Part 1 Classes A and G of Schedule 2 to the Town and Country Planning (General Permitted Development)(England) Order 2015, as amended, or any provision equivalent to those Classes in any statutory instrument revoking and re-enacting that Order, with or without modification, no window, door or other form of opening other than those on the approved plans shall be formed in any elevation of the Garage/Office hereby permitted.

Reason: In order to protect the amenity and privacy of the occupants of the neighbouring properties in accordance with Policy CS19 of the Gravesham Local Plan: Core Strategy (September 2014).

5. The garage hereby permitted shall be used only for the accommodation of a private motor car or cars for the residential occupants of, or for uses ordinarily incidental to the enjoyment of, 196 Lower Higham Road Gravesend, Kent DA12 2NN as a private dwellinghouse and for no other purpose and no development, whether or not permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or any provision equivalent to that Order in any statutory instrument revoking and re-enacting that Order, with or without modification, shall be carried out on the site in such a manner or in such a position so as to preclude vehicular access into the garage. For the avoidance of doubt the building shall not at any time contain any primary living accommodation or be sold, parted, let or exchanged as a separate unit of living accommodation and no trade or business shall be carried on therefrom.

Reason In order to restrict the use/occupancy of the outbuilding and to ensure that the development is in accordance with Policy CS19 of the Gravesham Local Plan Core Strategy (September 2014).

6. The outbuilding as hereby permitted shall ensure that the garden curtilage is fully enclosed and all garden boundaries are maintained and that there is no encroachment on to any adjoining property; for the avoidance of doubt any proposed garden boundaries must be enclosed by timber fencing to a height of 2m above the existing ground level of the site before the outbuilding hereby permitted is first occupied.

Reason: In order to protect the amenity and privacy of the occupants of the neighbouring properties and in accordance with Policy CS19 of the Gravesham Local Plan Core Strategy (September 2014).

Dated: 11 October 2021

Civic Centre
Windmill Street
Gravesend
Kent
DA12 1AU

Wendy Lane MRTPI
Assistant Director (Planning)
Planning Service

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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 must be made using a form which you can obtain from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN; telephone: 0303 444 5000; email: enquiries@pins.gsi.gov.uk or online at [www.planningportal.gov.uk/pcs](http://www.planningportal.gov.uk/pcs).**
- 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.

#### **COMPENSATION**

In certain circumstances compensation may be claimed from the Local Planning Authority if permission is refused or granted subject to conditions by the Secretary of State on appeal or on reference of the application to him.

These circumstances are set out in Sections 114 and related provisions of the Town and Country Planning Act 1990.

Gravesham Borough Council