



Application: 20230080

**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 T Aarunthavvachelvam
C/O Mr Keeran Sapa, Keeran Designs Ltd
157 Forest Road
Walthamstow
London
E17 6HE**

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:

**153 Whitehill Road
Gravesend
Kent**

and being **Change of use from closed shop (use class e(a)) into a hot food take away (use class 'sui generis')**. Your application dated 7th February 2023 is refused on the following grounds:-

1. The proposed change of use would result in the loss of a retail unit and a clustering of E(a) uses in this parade to the detriment of the retail character and function of the local centre. As such, the proposal is contrary to Policy CS08 of the Gravesham Local Plan Core Strategy, September 2014 and Policy S7 of the Gravesham Local Plan First Review 1994 which expect development to safeguard the retail character and function of local centres by resisting development that would adversely affect their vitality and viability.
2. The proposed change of use would have a detrimental effect on the amenity of nearby residential accommodation. The application site lies within a local centre within a predominantly residential area where there is residential property in close proximity. The use of the premises as a hot food takeaway would lead to noise and disturbance to local residents by reason of late night vehicle movements and associated people noise. As such the proposal is therefore contrary to Policy CS19 of the Gravesham Local Plan Core Strategy, September 2014 and Policy S7 of the Gravesham Local Plan First Review 1994 which expects development to safeguard the amenity of neighbouring properties.

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:

Application Form;

Cover Letter;
KD/COU/PP/73/22(O7)/W-002.1 - Location Plan, Existing Floor Plan and Elevations;
KD/COU/PP/73/22(O7)/W-002.2 - Proposed Ground Floor Plan;
KD/COU/PP/73/22(O7)/W-002.3 - Proposed Rear Elevation;
KD/COU/PP/73/22(O7)/W-002.4 - Block Plan;
Market Advert;
Details of Fan Silencer;
Details of Fan; and
Details of Carbon Filter.

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 paragraphs 186 and 187 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 application is not in accordance with the Development Plan for the area and cannot be supported.

Dated: 27 March 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:

- (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.