



Application: 20240684

**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: **Nathan Bal and Ashveer Bains
C/O Mr. Steve Clarke, Graham Simpkin Planning Ltd
2 The Parade
Ash Road
Hartley
DA3 8BG**

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:

**4 Gouge Avenue
Northfleet
Gravesend
Kent
DA11 8DP**

and being **Outline application for the demolition of existing dwelling and erection of new residential development with layout and access to be determined.**

Your application dated 24th July 2024 is refused on the following grounds:-

1. The proposed layout of the development hereby proposed fails to safeguard the amenity of neighbouring properties, through direct overlooking to habitable rooms of the adjoining bungalow, resulting in an unneighbourly form of development. Therefore, the proposal would have an overbearing impact on surrounding properties to the detriment of their amenity contrary to Policy CS19 of Gravesham's Local Plan Core Strategy (2014) and paragraph 135 of the National Planning Policy Framework (2023).
2. The proposed access represents a risk to pedestrian safety by virtue of unacceptable and impeded visibility splays. Therefore, the proposal is contrary to Policy CS11 of Gravesham's Local Plan Core Strategy (2014), saved policies T1 and T5 of Gravesham's Local Plan First Review (1994), Kent County Council dropped kerb guidance (2023), as well as paragraph 115 and 116 of the National Planning Policy Framework (2023).
3. The proposal fails to safeguard biodiversity impact of the development on site by providing inaccurate information and no net gain. Therefore, the development fails to offset biodiversity loss through site clearance contrary to Section 15 (specifically paragraphs 180 and 186) of the National Planning Policy Framework (2023) and Policy CS12 of the Gravesham Local Plan Core Strategy (2014).

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 - dated 19 July 2024;
Planning, Design and Access Statement (ref. 4122.SC) - dated May 2024;
Drawing no. 01 - Site Location Plan (scale - 1:1250);
Drawing no. 02 - Existing Block Plan (scale - 1:200);
Drawing no. 03 - Rev. B - Proposed Block Plan (scale - 1:200);
Drawing no. 04 - Rev. A - Proposed Biodiversity Net Gain Block Plan (scale - 1:200).

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 application is not in accordance with local and national planning policy and cannot be supported.

Dated: 19 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.