

Application: 20211301

**PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT 1990
TOWN AND COUNTRY PLANNING (LISTED BUILDINGS AND BUILDINGS IN
CONSERVATION AREAS) REGULATIONS 1990
(as amended by Section 10 of the Planning and Compensation Act 1991)**

NOTIFICATION OF REFUSAL OF CONSENT TO CARRY OUT WORKS TO A LISTED BUILDING
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To: **Mrs Hilary Hinde
C/O Mr Gregory Bunce, Prime Folio
129 Island Wall
Whitstable
Kent
CT5 1DY**

TAKE NOTICE that the **GRAVESHAM BOROUGH COUNCIL**, the Local Planning Authority under the Town and Country Planning Acts, has **REFUSED CONSENT** for

the demolition of existing garage and storage building and erection of residential annexe ancillary to the main dwelling

to the Listed Building situated:

at **Old Pond Farm
Dean Lane
Harvel
Gravesend
Kent
DA13 0BS**

in accordance with your application for Listed Building Consent dated 15th October 2021

and that the grounds for such refusal are:-

1. The proposed annexe, by virtue of the resultant additional height, bulk, scale and massing, would not protect the integrity or the setting of the Grade II Listed Building, known as Old Pond House. The proposal would be contrary to Policy CS20 (Heritage and the Historic Environment) of the Gravesham Local Plan Core Strategy (2014), and Section 15 of the National Planning Policy Framework (2021).

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;
Design and Access Statement;
Location Plan (plan no. 21-22-11);

Existing Site Block/Roof Plan (plan no. 21-22-12);
Proposed Site Block/Roof Plan (plan no. 21-22-13);
Existing Elevations (plan no. 21-22-14);
Existing & Proposed Plans (plan no. 21-22-15); and
Proposed Elevations (plan no. 21-22-16).

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) 2021, 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 the Development Plan for the area or national policy, as set out in the National Planning Policy Framework (2021), and neither amendments to the proposals or the imposition of planning conditions would have acceptably mitigated those concerns. The application cannot be supported and has therefore been refused.

3 LISTED BUILDING CONSENT NOT REQUIRED

Under section 8(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires consent for demolition of a listed building. Although, Listed Building Consent is not considered necessary for the proposed development as the building to be demolished is not in fact listed. Rather it is the main dwelling that is listed i.e. Old Pond House (HE listing ref 1350237). Therefore, Listed Building Consent is not required although as the application has been previously assessed and, in the interest of consistency, the Listed Building Consent application has determined the application accordingly.

Dated: 10 December 2021

Civic Centre
Windmill Street
Gravesend
Kent
DA12 1AU

Wendy Lane MRTPI
Assistant Director (Planning)
Planning Service

NOTES FOR THE APPLICANT

1. If the applicant is aggrieved by the decision of the Local Planning Authority to refuse listed building consent for the proposed works, or to grant consent subject to conditions, he may, by notice served within **six months** of receipt of this notice, appeal to the Secretary of State for the Environment in accordance with Section 20 of the Planning (Listed Buildings & Buildings in Conservation Areas) Act 1990. The Secretary of State has power to allow a longer period for the giving of a notice of appeal and he will exercise his power in cases where he is satisfied that the applicant has deferred the giving of notice because negotiations with the Local Planning Authority in regard to the proposed works are in progress.

Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>. If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

2. If listed building consent is refused, or granted subject to conditions, whether by the Local Planning Authority or by the Secretary of State, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any works which have been or would be permitted, he may serve on the council of the district in which the land is situated a listed building purchase notice requiring that council to purchase his interest in the land in accordance with the provisions of Section 32 of the Planning (Listed Buildings & Buildings in Conservation Areas) Act 1990.
3. In certain circumstances, a claim may be made against the Local Planning Authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in Section 27 of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990.

Demolition cases only:

4. If the consent is granted, the consent is not valid unless **one month's notice** has been given to English Heritage, and English Heritage has been given access to make a record before work begins. (See separate form of notice Dem-LB which can be obtained from the Borough Council).