

Application: 20230353

**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: **Mr Joe Grixx
C/O Ms Hanan Hassan, Barron Edwards Ltd
Whitehall Place
47 The Terrace
Gravesend
DA12 2DL**

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:

**Lucas
Heron Hill Lane
Meopham
Gravesend
Kent
DA13 0DU**

and being **Conversion of garage into a granny annexe**. Your application dated 17th April 2023 is refused on the following grounds:-

1. It is considered that the proposed development in the manner shown of an independent unit of residential accommodation that is not reliant upon or ancillary to the main dwellinghouse use would result in an inappropriate form of plot sub-division out of character with the prevailing pattern of development in the locality. The proposal is therefore inappropriate development within the Green Belt where 'very special circumstances' that may otherwise outweigh the harm by reason of inappropriateness do not exist and is contrary to Policy CS02 of the Gravesham Core Strategy 2014, saved Policy C13 of the Gravesham Local Plan 1994 and paragraphs 148 and 150 of the National Planning Policy Framework 2021.
2. The proposal would result in the separation of the annexe from the main dwelling and its use as a separate unit of living accommodation, which would result in additional residential paraphernalia on the site that would adversely impact on the openness of the Green Belt and fail to conserve or enhance the character of the rural landscape. The proposal is therefore considered to conflict with Policies CS02, CS12 and CS19 of the Core Strategy 2014, and paragraphs 130, 137 and 174 of the NPPF 2021.
3. The proposed annexe has a limited relationship with the main dwelling by virtue of distance, location, appearance and scale which represents clear physical and spatial separation between the two buildings, and there is potential for creation of a secondary access, separating the main dwellinghouse and the proposed building would have excessive facilities for an ancillary annexe. Therefore, the annexe could become a separate planning unit which would conflict with Policy CS02 of Gravesham's Local Plan

Core Strategy (2014) and paragraphs 149 and 150 of the National Planning Policy Framework (2021).

4. The proposed development by reason of its inability to demonstrate adequate level of on-site vehicle parking provision, resulting in harmful impact to highway safety, would as result be contrary to paragraphs 110 to 113 of the National Planning Policy Framework (2021), Saved Policies T1 and P3 of the Local Plan First Review (1994) and Policies CS11 and CS19 of the 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;
001 A - Block Plan/Location Plan;
002 A - Existing Floor Plans and Elevations;
003 A - Proposed Floor Plans and Elevations; and
Photographs.

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 manner. In this instance the application is not in accordance with the Development Plan for the area and cannot be supported.

Dated: 9 June 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>

- 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.