

Application: 20230514

**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 and Mrs Gavin and Dawn Coward
C/O Mr John Collins, DHA Planning
Eclipse House
Eclipse Park
Sittingbourne Road
Maidstone
ME14 3EN**

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:

**Shorne Mead
Pear Tree Lane
Shorne
Gravesend
Kent
DA12 3JT**

and being **Demolition of the existing dwelling and garage and the erection of a replacement dwelling with associated access and landscaping works.**

Your application dated 22nd May 2023 is refused on the following grounds:-

1. The proposed replacement dwelling, due to its size, bulk and contemporary appearance is materially larger than the building it seeks to replace and therefore fails to meet the objectives of saved Policy C12 of the Gravesham Local Plan First Review 1994, Policy CS02 of the Gravesham Core Strategy 2014 and the exception criteria listed in para. 149 (d) of the National Planning Policy Framework 2021. It would result in substantial additional harm to the openness of the Green Belt than the existing development and is not considered to fall within limited infilling or redevelopment of previously developed plan as it would have a greater impact on the openness of the Green Belt than the existing development therefore failing to meet the exception criteria listed in para. 149 (g). Consequently it is considered inappropriate development in the Green Belt that would detrimentally impact on the openness of the Green Belt.
2. The proposed replacement dwelling consisting of an ultra-contemporary building with flat roof, render and glass balustrades does not relate well to the neighbouring, more traditional, properties and is not respectful of the rural character of the area and surrounding landscape. The proposed development therefore conflicts with the objectives of Policies CS12 and CS19 of the Gravesham Core Strategy 2014 and paras. 130 and 174 of the National Planning Policy Framework 2021.
3. The application includes landscaping works, the details of which have not been provided, nor have details of the biodiversity and ecology on the site and therefore it is not possible

to ascertain the impact of the development on the natural environment. This is contrary to Policy CS12 of the Gravesham Core Strategy 2014 and paras. 174 and 180 of the National Planning Policy Framework 2021.

INFORMATIVES:-

1 DECISION PLANS

For the avoidance of doubt, the forms, plans and documents upon which this decision is made comprise:

Application form;
Design and Access Statement;
Drawing no. 3316-004 rev D (proposed elevations);
Drawing no. 3316-003 rev E (proposed upper floors);
Drawing no. 3316-002 rev L (proposed lower and ground floor plans);
Drawing no. 3316-002 rev K (lower and ground floor plans);
Drawing no. 3316-001 rev H (site plan);
Drawing no. 3316-005 rev A (street scene);
Drawing no. 3262-006 (location and block plans);
Drawing no. 3316-009 (existing elevations);
Drawing no. 3316-010 (building comparison);
Drawing no. 3316-008 (existing house plans/elevations);
Section drawing;
Overlay picture;
Massing picture – proposed;
Massing picture – existing; and
Front picture x 2.

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. The applicant's did not utilise the pre-application advice service that is available to them.

Dated: 17 July 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.