



Application: 20231329

**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 A Mancuso
C/O Mr Jonathan Bolton, Synergy
Synergy
The Office, The Larches
Higham
Rochester
ME3 7NQ
United Kingdom**

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:

**146 Milton Road
Gravesend
Kent
DA12 2RG**

and being **Opening up an existing window opening and wall below to form a door. Install a free standing pergola to the east side of the restaurant and onto the existing decking.**

Your application dated 28th December 2023 is refused on the following grounds:-

1. The proposal by virtue of the location and design of the proposed pergola would fail to preserve the special interest of this grade II listed building and it would not conserve or enhance the character or appearance of Harmer Street Conservation Area. As such the proposal is contrary to Policies CS19 and CS20 of the Gravesham Local Plan Core Strategy (2014), saved Policies TC2 and TC3 of the Gravesham Local Plan First Review (1994) and section 16 of the National Planning Policy Framework (2023).
2. The proposed pergola for use as an external seating area due to its location and proximity to the flats on the upper floors of the application building which have windows overlooking the area would likely have a significant impact on the amenity of residents of the upper floor flats from noise from customers using the seating area as well as cigarette smoke. As such the proposal is contrary to Policy CS19 of the Gravesham Local Plan Core Strategy (2014) and paragraph 135(f) of the National Planning Policy Framework (2023).

INFORMATIVES:-

1 DECISION PLANS

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

- o Application form;

- o Drawing no. 23/423/01 - Survey drawing;
- o Drawing no. 23/423/02 - Proposed drawing;
- o Drawing no. 23/423/03 - Proposed side door; and
- o Heritage Statement.

2 STATEMENT OF POSITIVE AND PROACTIVE

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

Dated: 22 February 2024

Civic Centre
Windmill Street
Gravesend
Kent
DA12 1AU

Ms Tava Walton
AD Planning

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.