

Application: 20230400

**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: **Muzaffer Celik
C/O Ms Hanan Hassan, Barron Edwards Ltd
Barron Edwards, 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 CONSENT** for

Listed Building Consent for the conversion of the property into 2 x 1-bed and 1 x 2-bed residential flats.

to the Listed Building situated:

at **38 Windmill Street
Gravesend
Kent
DA12 1BA**

in accordance with your application for Listed Building Consent dated 19th April 2023

and that the grounds for such refusal are:-

- 1 The proposal would result in the loss of historic fabric and an alteration to the plan form of the building all of which is very much part of the significance and character of this listed building. Furthermore, insufficient information has been submitted in respect of works that may be required under the Building Regulations and to mitigate poor air quality and noise impacts for occupiers; such works that would be required for those measures have the potential to cause further harm to this listed building and the Conservation Area. On the basis of the submitted information the proposal would cause harm to the architectural and historic interest of this grade II listed building and the character and appearance of the Upper Windmill Street Conservation Area 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 (2021).

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. 001 Rev. A - Block Plan and Location Plan;
- o Drawing no. 002 Rev. B - Existing Floor Plans;
- o Drawing no. 002 Rev. A - Proposed Floor Plans;
- o Drawing no. 003 Rev. A - Existing Elevations;
- o Drawing no. 005 Rev. A - Proposed Elevations; 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) 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: 13 June 2023

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).