



Application: 20221360

**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 M Northover
C/O Miss K Banks, Rebus Planning Solutions
Basepoint Business Centre
Shearway Business Park
Shearway Road
Folkestone
Kent
CT19 4RH**

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:

**3 Park Cottages
Tanyard Hill
Shorne
Gravesend
Kent
DA12 3LF**

and being **Erection of two-storey dwellinghouse adjoining south side of existing terrace**

Your application dated 23rd December 2022 is refused on the following grounds:-

1. The proposal by virtue of enclosing an established gap within the street scene and being cramped overdevelopment of the site in close proximity to the listed Homewood Cottages, fails to preserve or enhance to character and appearance of the Chestnut Green Conservation Area, and would have a harmful impact on the setting of the adjacent Listed Buildings. As such, the proposal is contrary to Policies CS19 (Development and Design Principles) and CS20 (Heritage and the Historic Environment) of the Gravesham Local Plan Core Strategy 2014, saved Policies TC2 (Listed Buildings) and TC3 (Development Affecting Conservation Areas) of the Gravesham Local Plan First Review (1994) and Section 16 (Conserving and enhancing the historic environment) of the National Planning Policy Framework (2021).
2. The proposed development provides cramped and undersized rooms, and would create a poor quality living environment harmful to the amenity of future occupiers of no.3 Park Cottages. As such, the proposal is contrary to Policies CS19 (Development and Design Principles) of the Gravesham Local Plan Core Strategy (2014) and Section 12 (Achieving well-designed places) of the National Planning Policy Framework (2021).
3. The proposed dwelling is an unneighbourly development that will significantly impact on the private amenity of the existing and future residents of the adjoining properties on Racefield Close, by virtue of introducing first floor rear windows that will directly overlook the neighbours within the minimum 26m distance set out in Gravesham's Residential

Layout Guidelines (2020). As such, the proposal fails to safeguard the amenity of surrounding occupiers contrary to Policy CS19 of the Gravesham Local Plan Core Strategy (2014) and Section 12 of the National Planning Policy Framework (2021).

4. The proposal fails to safeguard biodiversity and fails to secure a contribution towards strategic mitigation measures within Special Protection Areas, and in the absence of this contribution or adequate information to inform an Appropriate Assessment. Therefore, the development fails to comply with the requirements of the Habitat Regulations, but fails to offset biodiversity loss contrary to Section 15 (specifically paragraphs 180 and 181) of the National Planning Policy Framework (2021) and Policy CS12 of Gravesham's Local Plan Core Strategy (2014).

INFORMATIVES:-

1 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.

2 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 - dated 21/12/2022;
Planning and Heritage Statement (RS/0802);
Drawing no. PCS3/20/01A - Existing Plans, Elevations and Section;
Drawing no. PCS3/20/02 - Existing Street Elevation, Section B-B and Site Plan;
Drawing no. PCS3/20/06 - Proposed Plans and Elevations;
Drawing no. PCS3/20/07 - Proposed Street Elevation, Site Plan and Roof Plan.

Dated: 17 February 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.