

Application: 20221121

**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 David Dean, Robinson Escott Planning
C/O Mr Peter Hadley, Robinson Escott Planning
Robinson Escott Planning
Downe House
303 High Street
Orpington
BR6 0NN
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:

**Land North Of Wildacre
Sole Street
Cobham
Gravesend
Kent**

and being **Erection of detached family dwelling of two storey design with integral garage, driveway and associated landscaping with dwelling to be served by existing vehicular access**

Your application dated 25th October 2022 is refused on the following grounds:-

1. The application site lies within the Metropolitan Green Belt where inappropriate development should not be approved except in very special circumstances. Within the Green Belt there is a strong presumption against permitting new development outside of the present defined extent of urban areas and the present extent of any village. The proposed development is inappropriate development by virtue of failing to meet any of the exception criteria of paragraph 149 of the National Planning Policy Framework (2021) and would cause harm to the Green Belt. The site is an open undeveloped paddock and as such the proposed development fails to preserve the openness of the Green Belt by virtue of the construction of a large dwelling, associated hardstanding, lighting, car parking and residential paraphernalia which conflicts with the purposes of including land within the Green Belt. In the absence of any 'very special circumstances' that may otherwise outweigh the harm by reason of inappropriateness, and any other harm, the proposed development is considered to be contrary to the advice in Section 9 (Protecting Green Belt Land) of the National Planning Policy Framework (2021).
2. The site is within a designated landscape character area of Meopham Downs and nationally important North Downs Area of Outstanding Natural Beauty. The proposed development would result in an unsightly and alien presence in the landscape which would result in an obtrusive development which would fail to conserve the landscape and scenic beauty of the Area of Outstanding Natural Beauty which is a nationally sensitive

landscape. The development is therefore contrary to Policy CS12 (Green Infrastructure) of Gravesham Core Strategy (2014) and Section 15 (Conserving and Enhancing the Natural Environment) 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 property, by virtue of introducing three first floor flank windows directly overlooking the garden of the neighbour. 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).

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 19/10/2022;
Design and Access Statement (PH/21/161);
Supplementary Information - Gravesham's Draft Management Plan Policies Document;
Supplementary Information - Appeal Decision - Badgers Mount, Sevenoaks (APP/G2245/W/19/3230759);
Supplementary Information - Sevenoaks Borough Council Delegated Report (ref.18/03609/FUL);
Drawing no. 5054.PL1 - Rev. A - Proposed Floor Plans and Elevations;
Drawing no. 5054.PL2 - Rev. B - Proposed Block Plan (scale - 1:250);
Drawing no. 5054.PL3 - Site Location Plan (scale - 1:1250).

Dated: 20 December 2022

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.
- **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.**
- 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:

- 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
- 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 –

- an application for change of use;
- 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.