



R3PRIZ

Application: 20220536

**TOWN AND COUNTRY PLANNING ACTS
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)
(ENGLAND) ORDER 2015 (AS AMENDED)**

DETERMINATION AS TO WHETHER PRIOR APPROVAL IS REQUIRED

To: **Cornerstone Telecommunications, Infrastructure Ltd
C/O Mr John-Paul Robertson, Galliford Try Telecoms
Crab Lane
Fearnhead
Warrington
WA2 0XR**

TAKE NOTICE that **GRAVESHAM BOROUGH COUNCIL**, the Local Planning Authority under the Town and Country Planning Acts, has **DETERMINED THAT PRIOR APPROVAL** of the details of the siting and appearance of telecommunications development **IS REQUIRED AND REFUSED**

at **Telecommunications Mast
Swillers Lane
Shorne
Gravesend
Kent
DA12 3ED**

and being **determination pursuant to Part 16 Class A of the Town and Country Planning (General Permitted Development) Order 2015, as amended, as to whether prior approval is required for proposed telecommunications installation of 25m mast incorporating 2 antennas, 1 600mm dish and 1 300mm dish, 1GPS module, 3 radio equipment cabinets, 1 meter cabinet and associated enabling development works thereto.**

Your application dated 18th May 2022 is refused on the following grounds:-

1. The proposed mast and associated equipment, by virtue of its prominent siting and harmful appearance in this open countryside and Green Belt location, would have an unacceptable effect on the character and appearance of the site and surrounding area and would fail to conserve the rural landscape context of this site within the Shorne Woodlands Landscape Character Area. The proposal would not therefore accord with the requirements of Policies CS02, CS12 and CS19 of the Gravesham Local Plan Core Strategy 2014, and paragraphs 130, 137, 138, 147, 148, 150 and 174 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;

Covering letter dated 18 May 2022;
Coverage plots;
Notification letter dated 16 May 2022;
Clarification of Declaration of ICNIRP Compliance letter dated 18 May 2022;
Supplementary Information document;
Drawing no. 100 Rev. A (Site Location Maps);
Drawing no. 200 Rev. A (Existing Site Plan);
Drawing no. 201 Rev. A (Proposed Site Plan);
Drawing no. 300 Rev. A (Existing Site Elevation); and
Drawing no. 301 Rev. A (Proposed Site Elevation).

2 PUBLIC RIGHT OF WAY

Public Right of Way (PROW) NS156 lies in the vicinity of the site. A public right of way must not be stopped up, diverted, obstructed or the surface disturbed and there must be no encroachment on the current width, at any time now or in future. This includes any building materials or waste generated during any of the construction phases. No furniture or fixtures may be erected on or across Public Rights of Way without the express consent of the Highways Authority.

3 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.

In this instance the proposal is contrary to local and national planning policy and cannot be supported.

Dated: 13 July 2022

Civic Centre
Windmill Street
Gravesend
Kent
DA12 1AU



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:

- (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.