



Application: 20231110

**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 Steve Chappell
C/O Mr John Collins, DHA Planning
Eclipse House Eclipse Park
Sittingbourne Road
Maidstone
ME14 3EN**

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 At Brookers Farm
Luddesdown Road
Luddesdown
Gravesend
Kent
DA13 0XE**

and being **Engineering works to construct a formal car parking area for Vineyard Farms Ltd office, and winery and vineyard workers; and other users of Brookers Farm.**

Your application dated 1st November 2023 is refused on the following grounds:-

1. The proposed extent and spread of parking across this open field would result in an inappropriate development that would adversely impact on the openness of this site in the Green Belt and would encroach into the countryside. The very special circumstances put forward to justify the proposal are not considered to outweigh this harm. As such, the proposal would fail to comply with the requirements of Policies CS02, CS12 and CS19 of the Gravesham Local Plan Core Strategy 2014 and paragraphs 142, 143, 152, 153 and 155 of the National Planning Policy Framework 2023.
2. The proposed expanse of parking would incongruously urbanise the site and would fail to conserve or enhance the rural landscape and scenic beauty of this site within the Kent Downs Area of Outstanding Natural Beauty and the Luddesdown Downs Landscape Character Area. As such, the proposal would fail to comply with the guidelines and principles of the Gravesham Landscape Character Assessment (2009), Kent Downs AONB Management Plan 2021-2026 and Landscape Character Assessment Update 2020, and the requirements of Policies CS02, CS12 and CS19 of the Gravesham Local Plan Core Strategy 2014 and paragraphs 135, 180 and 182 of the National Planning Policy Framework 2023.

INFORMATIVES:-

1 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

Drawing no. G-01 (Site Location Plan)

Drawing no. G-02 (Ecological and Landscaping Plan)

Drawing no. H-01 Rev. P5 (Proposed Access Design and Parking Layout)

Planning Statement (dated 31/10/2023)

Transport Statement (ref. PL/RS/19020 dated February 2023)

Preliminary Ecological Appraisal (ref. 2023/01/12 dated 27 January 2023)

MDCV UK/Vineyard Farms Ltd - Applicant Statement

Silverhand Estate Map of Track and Paths

Silverhand Estate Map of Building and Welfare Units

Silverhand Estate Map of Natural Environment and Vines

Silverhand Estate Map of Vine Blocks

2 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 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 application is not in accordance with local and national planning policy and cannot be supported.

3 GREAT CRESTED NEWTS

KCC's Biodiversity Officer has advised that the Preliminary Ecological Appraisal report has detailed that if the land take is greater than 0.5ha then a great crested newt survey (GCN) of Pond 2 should be undertaken to assess if an impact is likely, or the application should join the district level licencing scheme.

No GCN survey/mitigation strategy or Impact Assessment and Conservation Payment Certificate (to demonstrate that the scheme has been accepted on to the DLL scheme) has been submitted as part of this application.

The Biodiversity Officer advises that the results of the GCN survey and, if required, mitigation strategy or a signed Impact Assessment and Conservation Payment Certificate should be submitted. If the GCN surveys have not been carried out they cannot commence until at least February 2024; however, an Impact Assessment and Conservation Payment Certificate can be obtained at any time of the year. This matter should be addressed with any future proposal.

Dated: 22 December 2023

Civic Centre
Windmill Street
Gravesend
Kent
DA12 1AU

Shazad Ghani
MPhil, MA, BA (Hons)
Head of 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.