



Application: 20240099

**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 James Worley
C/O Mr Samuel Chalmers-Stevens, Bloomfields
77 Commercial Road
Paddock Wood
Kent
TN12 6DS**

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:

**Oakleigh Farm
Buckland Road
Higham
Rochester
Kent
ME3 7HY**

and being **change of use of an agricultural building to a light industrial use under use Class E(g)**.

Your application dated 21st March 2024 is refused on the following grounds:-

1. This proposal has resulted in a form of development which is inappropriate development in the Green Belt as defined by paragraph 155 of the National Planning Policy Framework (NPPF) 2023. Furthermore, it would also fail to preserve its openness and would conflict with the purposes of the Green Belt. In the absence of any very special circumstances to clearly outweigh the harm to the Green Belt, the proposal is considered to constitute inappropriate development, contrary to the National Planning Policy Framework (2023) and Policy CS02 of the Gravesham Local Plan Core Strategy (2014).
2. The development has included the introduction of urban features which detract from the rural landscape character of the site. This would be contrary to the National Planning Policy Framework (NPPF) 2023 and Policy CS12 of the Gravesham Local Plan Core Strategy (2014) which seeks to conserve, restore and enhance the overall landscape character of the Borough.
3. By virtue of the industrial use, vehicle movements and hours of operation, the development has resulted in an increase of noise and disturbance from the site which has had a detrimental impact on neighbouring amenity. The development is therefore contrary to Policy CS19 of the Local Plan Core Strategy 2014 and paragraph 135f of the National Planning Policy Framework (NPPF) 2023.
4. The application contains insufficient information to enable a suitable assessment to be carried out concerning the impact of the development in terms of highway safety. In the

absence of a traffic assessment or similar report addressing this issue the proposal is considered contrary to the National Planning Policy Framework (NPPF) 2023 and Policy CS11 of the Gravesham Local Plan Core Strategy (2014).

INFORMATIVES:-

1 STATEMENT OF POSITIVE AND PROACTIVE APPROACH TO DECISION-TAKING

In accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure)(England) Order 2015 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 proactive manner and, where appropriate, has worked 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 contrary to local and national policy.

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:

Planning Application Form;
Drawing No. 010 Rev B - Site Location Plan;
Drawing No. 020 Rev B - Existing Block Plan;
Drawing No. 030 Rev B - Proposed Block Plan;
Drawing No. 040 Rev A - Existing Floor Plans;
Drawing No. 050 Rev A - Existing Elevations; and
Supporting Planning Statement.

Dated: 19 July 2024

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.