



REFULZ

Application: 20220223

**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

To: **Mr A Tickle
C/O Mr John McSweeney, Bloomfields Chartered Town Planners
Helix House
High Street
Wadhurst
TN5 6AA**

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:

**Buckland Farm
Chalk Road
Higham
Rochester
Kent**

and being **Conversion of a light industrial building into 1no. 3 bedroom dwellinghouse.**

Your application dated 17th March 2022 is refused on the following grounds:-

1. The application site lies within the Metropolitan Green Belt within which inappropriate development should not be approved except in very special circumstances. Whilst the proposal seeks to convert the existing building, no evidence has been provided to confirm that the building is substantial and permanent or capable of conversion. It is therefore considered that the building is not of permanent and substantial construction and its proposed conversion to a dwelling therefore comprises inappropriate development that is, by definition, harmful to the openness of the Green Belt. The development will not preserve the openness of the Green Belt and will conflict with one of the purposes of including land within the Green Belt as it will encroach into the countryside. 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 contrary to Section 13 of the National Planning Policy Framework (2021), saved Policy C11 of the Gravesham Local Plan First Review (1994) and Policy CS02 of the Gravesham Local Plan Core Strategy (2014).
2. The application site lies within the locally designated Higham Arable Farmlands Landscape Character Area, where local and national planning policy and guidance expect developments to conserve, restore and enhance the natural landscape. The proposed development, if permitted, would be harmful to the landscape character when compared to the existing site that is an agricultural form and something that you expect to see in the rural landscape. The harm from the redevelopment of the site in this instance would be derived from the fenestration changes, the associated hardstanding, lighting, car parking and residential paraphernalia. The application is therefore contrary

to Policies CS12 and CS19 of the Gravesham Local Plan Core Strategy (2014) and Section 12 and 15 of the National Planning Policy Framework (2021).

3. The proposed development, by reason of its siting in close proximity to existing commercial uses and buildings with associated noise, and the resultant movements from commercial vehicles sharing the residential access for the development would result in undesirable and poor living conditions for the occupiers of the proposed dwelling. As such the proposed development is contrary to Policy CS19 of the Gravesham Local Plan Core Strategy (2014).
4. The proposed residential development will result in a dwelling with an awkward relationship with its private amenity space and limited outlook from habitable rooms which is considered detrimental to the enjoyment of the amenities of the future occupiers contrary to Policy CS19 of the Gravesham Local Plan Core Strategy (2014) and section 12 of the National Planning Policy Framework (2021).
5. The proposed parking area does not provide sufficient space for turning vehicles which will result in cars reversing onto the highway to the detriment of highway safety and contrary to Saved Policy T4 of the Gravesham Local Plan First Review (1994) and Policy CS11 of the Gravesham Local Plan Core Strategy (2014).
6. The proposal would result in the loss of an existing E Class employment premises and the applicant has failed to undertake a marketing exercise in accordance with appendix 5 (Marketing Requirements in relation to loss of existing B Class (now class E) employment premises, sites or commercial wharves) of the Gravesham Local Plan Core Strategy. Therefore without this information the principal of the loss of the existing B use on the site cannot be justified. The development is therefore contrary to Policy CS07 of the Gravesham Local Plan Core Strategy (2014).
7. The applicant has failed to provide any ecological evidence to inform a habitat regulations assessment covering the impact of the development on the SPA/Ramsar site or offered a financial contribution towards mitigation measures to address the impact of the development on the SPA/Ramsar site. The proposal is therefore contrary to Policy CS12 (Green Infrastructure) of the Gravesham Local Plan Core Strategy (2014) and Section 15 (specifically paragraphs 180 and 181) of the National Planning Policy Framework (2021).

INFORMATIVES:-

1 SUBMITTED DRAWINGS

For the avoidance of doubt the submitted drawings are:

Application form received 1 March 2022.

Planning Statement received 17 March 2022.

Drawing no. P.2716.060.A (proposed plans) received 1 March 2022.

Drawing no. P.2716.070.A (proposed elevations) received 1 March 2022.

Drawing no. P.2716.040.A (existing plans) received 1 March 2022.

Drawing no. P.2716.050.A (existing elevations) received 1 March 2022.

Drawing no. P.2716.010.B (site location plan) received 17 March 2022.

Drawing no. P.2716.020.B (existing block plan) received 17 March 2022.

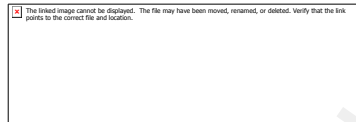
Drawing no. P.2716.030.B (proposed block plan) received 17 March 2022.

2 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, 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 and the applicant did not pursue advice prior to submitting the application.

Dated: 12 May 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.