

Application: 20230118

**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: **R Binning
C/O Ms Alice Beeken, Kent Planning Consultancy Ltd
The Workshop, Rose Cottage Farm
North Street, Biddenden
Ashford
TN27 8BA**

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:

**The Haven
Brimstone Hill
Meopham
Gravesend
Kent
DA13 0BN**

and being **Demolition of two dwellings, erection of 2no. contemporary dwellings, with associated parking, garden land and landscaping.** Your application dated 27th February 2023 is refused on the following grounds:-

1. The site is within the approved Metropolitan Green Belt. 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. National Planning Policy Framework Section 13 (Protecting Green Belt Land) indicates that the most important attribute of Green Belts is their openness. The proposed dwellings, hardstanding and terraces, together with associated residential paraphernalia would have a significantly greater impact on the openness of the Green Belt compared to the existing site for which the only impact on the openness of the Green Belt is land void of development. The proposed development is therefore inappropriate development and would cause harm to the Green Belt by virtue of its location closer to the entrance of the site and away from the main building. As such the proposal is considered to be contrary to the advice in National Planning Policy Framework Section 13 (Protecting Green Belt Land), and Policy CS02 (Scale and Distribution of Development) of the Core Strategy, it does not meet the exceptions of paragraph 149 of the National Planning Policy Framework (2021) and very special circumstance do not exist.
2. The site is within the Harvel Wooded Downs designated landscape character area and the North Downs Area of Outstanding Natural Beauty and the proposed dwellings would be detrimental by introducing inappropriate residential development which will result in visual harm by suburbanising this part of the site in a highly visible location. The development is contrary to Policies CS12 and CS19 of the Core Strategy, Policy SD08 of the Kent Downs AONB Management Plan and Section 15 of the National Planning Policy Framework (2021) which seek to give long term protection of these areas

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 received 22 April 2023;
Planning Statement;
Drawing no. 2452 01 B (site location plan);
Drawing no. 2452 02 C (existing block plan);
Drawing no. 2452 15 (ground figure plan and proposed street scene);
Drawing no. 2452 14 (proposed new dwelling);
Drawing no. 2452 13 (proposed elevations);
Drawing no. 2452 12 B (proposed floor plan - unit 2);
Drawing no. 2452 11 A (proposed elevations - unit 1);
Drawing no. 2452 09 F (proposed block plan);
Drawing no. 2452 10 C (proposed floor plans - unit 1); and
Drawing no. 2452_03 A (existing plans and elevations).

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 had been made aware of this prior to submitting the application.

Dated: 24 April 2023

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.
- **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.