



REFULZ

Application: 20220660

**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: **Icarus Investment Management Ltd
C/O Mr Philip Graham, The Duncan And Graham Partnership
8 Cecil Square
Margate
CT9 1BD**

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:

**5 Dover Road East
Gravesend
Kent
DA11 0RQ**

and being **Creation of a new vehicle crossover**

Your application dated 23rd June 2022 is refused on the following grounds:-

1. The driveway hereby proposed introduces a disproportionate hardstanding with no soft landscaping or planting, which will have a harsh, urbanising impact on the street scene that is harmful to its character and appearance, and fails to provide a net gain of biodiversity. As such, the development is contrary to Gravesham's Householder Design Guidance SPD (2021), Policies CS12 (Green Infrastructure) and CS19 (Development and Design Principles) of the Gravesham Local Plan Core Strategy 2014, as well as the Section 12 (Achieving Well-Designed Places) and Section 15 (Conserving and Enhancing the Natural Environment) of the National Planning Policy Framework (2021).
2. The proposed driveway provides inadequate and substandard vehicular visibility splays, which would pass over land outside of the site ownership and are unenforceable and would increase the potential for vehicular collisions and pose a risk to highway safety. In addition, there is insufficient space for off-street turning. As such the proposal is contrary to Policy CS11 (Transport) of Gravesham's Local Plan Core Strategy (2014), saved Policies P3 and T5 of Gravesham's Local Plan First Review (1994), SPG 6: Planning Policy for Vehicular Accesses to Classified Highways (2009), Department for Transport's Manual for Streets (2007) and Kent County Council Vehicle Crossing Guidance (2018).

INFORMATIVES:-

1 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 manner. In this instance the application is not in accordance with the Development Plan for the area and cannot be supported.

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:

Application Form - dated 23/06/2022;
Drawing no. 01 - Block and Frontage Plans;
Drawing no. 02 - Site Location Plan (scale - 1:1250).

Dated: 16 August 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.