



Application: 20220298

**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: **Thanh And Binh Duong, NBS Distribution
C/O Ms Jillian Barr, Graham Simpkin Planning Ltd
2 The Parade
Ash Road
Hartley
Longfield
Kent
DA3 8BG**

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:

**31 Shrubbery Road
Gravesend
Kent
DA12 1JW**

and being **Application, part retrospective, for conversion of former public house to a single-family dwelling with associated access, parking and amenity space, incorporating revised external alterations to those approved under application reference 20191193.**

Your application dated 1st April 2022 is refused on the following grounds:-

1. The proposed alterations, the majority of which have been carried out, are unsympathetic and have caused harm to the character and appearance of this building, have not preserved but caused harm to the character and appearance of the Windmill Hill Conservation Area and have caused harm to the setting of the nearby listed buildings at nos. 9-12, 17-19 and 25-29 Shrubbery Road. As such the proposal is contrary to Policies CS19 and CS20 of the Gravesham Local Plan Core Strategy (2014), saved Policies TC2 and TC3 of the Gravesham Local Plan First Review (1994) and section 16 of the National Planning Policy Framework (2021).

INFORMATIVES:-

1 DECISION PLANS

For the avoidance of doubt, the forms, plans and documents upon which this decision is made comprise:

Covering Letter;
Application form;
Drawing no. 00 - Site Location and Existing Block Plan with red line;
Drawing no. 02 - Existing Ground Floor Plan;
Drawing no. 03 - Existing First Floor Plan;
Drawing no. 04 - Existing Cellar Plan;
Drawing no. 05 - Existing Elevations;

Drawing no. 06 - Proposed Block Plan;
Drawing no. 07 - Proposed Ground Floor Plan;
Drawing no. 08 - Proposed First Floor Plan;
Drawing no. 09 - Proposed Cellar Plan;
Drawing no. 10 - Proposed Elevations;
Drawing no. 12 - Heritage Context and Visual Impact analysis;
Unnumbered Drawing - Casement Window Section 3;
Unnumbered Drawing - Door Frame Cill Profile;
Unnumbered Drawing - Casement Window Details;
Unnumbered Drawing - Door head and Top Rail;
Unnumbered Drawing - Timber Door Profile;
Unnumbered Drawing - Sash Window Profile;
Unnumbered Drawing - Timber French Doors;
Planning, Design and Access Statement including Appendix PDA 1 - Aerial and Street view photographs;

Heritage Statement including the following appendices:

- Appendix HS1 (i) - Postcard of Millers Cottage dated 1931
- Appendix HS1 (ii) - Photograph 1995 and old images
- Appendix HS1 (iii) - Historical text
- Appendix HS1 (iv) - Licensee List
- Appendix HS2 - HER Map 1
- Appendix HS3 (i) - Heritage Maps 1871-1890
- Appendix HS3 (ii) - Heritage Maps 1897-1900
- Appendix HS3 (iii) - Heritage Maps 1907-1923
- Appendix HS3 (iv) - Heritage Maps 1929-1952
- Drawing no. 10 - Proposed Fencing;
- Drawing no. 09 - Hard and Soft Landscaping and Refuse Storage Plan.

2 STATEMENT OF POSITIVE AND PROACTIVE

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.

Dated: 19 May 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:

- 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
- 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 –

- an application for change of use;
- 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.