



HINPRIZ

Application: 20220022

**TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)  
THE TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)  
(ENGLAND) ORDER 2015**

**DETERMINATION AS TO WHETHER PRIOR APPROVAL IS REQUIRED**

To: **Billings Group Ltd, Gay Dawn Farm  
C/O Mr Matthew Garvey, DHA Planning  
Eclipse House  
Eclipse Park  
Sittingbourne Road  
Maidstone  
Kent  
ME14 3EN**

**TAKE NOTICE** that the **GRAVESHAM BOROUGH COUNCIL**, the **Local Planning Authority** under the Town and Country Planning Acts, has **DETERMINED THAT PRIOR APPROVAL IS REFUSED**

at **1-73 (odds)  
Lapis Close  
Gravesend  
Kent  
DA12 4UE**

and being **for prior approval under Part 20 Class A of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) for upward extension of existing block of flats through the construction of 1 additional storey to provide 12no. flats along with necessary ancillary works.** Referred to in your application dated 10th January 2022.

**REASONS FOR REFUSAL**

1. The development proposed is not one that is permitted by Class A of Part 20 of The Town and Country Planning (General Permitted Development) (England) Order 2015, as amended. The application plans show the floor to ceiling height of the proposed additional storey to exceed the floor to ceiling height of the floors below within the principal elevation, consequently the proposal does not comply with Class A of Schedule 2, Part 20 of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended, and is not permitted development.

**Your attention is drawn to the following informatives**

**INFORMATIVES:-**

**1 SUBMITTED DRAWINGS**

For the avoidance of doubt the submitted drawings are:

Application form received 10 January 2022.

Contamination Report received 10 January 2022.

Covering letter received 10 January 2022.

Drawing no. DHA/14898/17 (proposed elevations) received 12 January 2022.

Drawing no. DHA/14898/16 (proposed elevations) received 12 January 2022.

Drawing no. DHA/14898/15 (proposed third floor plan) received 12 January 2022.

Drawing no. DHA/14898/14 (proposed second floor plan) received 12 January 2022.

Drawing no. DHA/14898/13 (proposed first floor plan) received 12 January 2022.

Drawing no. DHA/14898/12 (proposed ground floor plan) received 12 January 2022.

Drawing no. DHA/14898/11 (proposed site layout plan) received 12 January 2022.

Drawing no. DHA/14898/07 (existing elevations) received 12 January 2022.

Drawing no. DHA/14898/06 (existing elevations) received 12 January 2022.

Drawing no. DHA/14898/05 (existing second floor plan) received 12 January 2022.

Drawing no. DHA/14898/04 (existing first floor plan) received 12 January 2022.

Drawing no. DHA/14898/03 (existing ground floor plan) received 12 January 2022.

Drawing no. DHA/14898/02 (existing site layout) received 12 January 2022.

Drawing no. DHA/14898/01 (site location plan) received 12 January 2022.

## 2 FUTURE APPLICATIONS

In the event that any future application did meet the criteria, the applicant is advised that the proposal would be considered unacceptable with regards to transport and highways impacts and therefore prior approval would be required under paragraph 111 of the NPPF 2021, Policy CS11 of the Core Strategy 2014 and Policies T1 and P3 of the Local Plan 1994 and would be refused.

3 In the event that any future application did meet the criteria, the applicant is advised that the proposal would be considered unacceptable with regards to visual amenity due to the increase in height and land level differences which will result in a prominent form of development out of scale with the surrounding area. Therefore, prior approval would not be granted in respect of external appearance of the development under paragraphs 119, 124, 127 and 130 of the NPPF 2021 and Policy CS19 of the Core Strategy 2014.

Dated: 24 February 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.

### **COMPENSATION**

In certain circumstances compensation may be claimed from the Local Planning Authority if permission is refused or granted subject to conditions by the Secretary of State on appeal or on reference of the application to him.

These circumstances are set out in Sections 114 and related provisions of the Town and Country Planning Act 1990.