



REFULZ

Application: 20211309

**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 Ian Gay, G And M Motors
C/O Mr Les Herbert
The Lost Planet
245 Sleetmoor Lane
Swanwick
Derbyshire
DE55 1RH**

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:

**G And M Motors
85 Milton Road
Gravesend
Kent
DA12 2PP**

and being **Application for outline planning permission with all matters reserved and being for demolition of existing workshop and erection of a single storey building with valet booth, video/photographic studio and parts store together with the laying out of 6 car parking spaces.**

Your application dated 21st October 2021 is refused on the following grounds:-

1. The application fails to demonstrate sufficient parking provision to serve the development or re-provision of existing parking provision which would be displaced, without having an unacceptable impact on the surrounding highway network. The proposal is therefore contrary to the requirements of Policy CS11 (Transport) of the Gravesham Local Plan Core Strategy 2014 and the provisions of Section 9 (Promoting Sustainable Transport) of the National Planning Policy Framework 2021.

INFORMATIVES:-

1 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.

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 30 September 2021;
Covering Letter Dated 08 October 2021;
Design and Access Statement Dated September 2021;
Supplementary Supporting Statement Dated 14 February 2022;
Site Location Plan Date Stamped 21 October 2021;
Existing Site Plan Date Stamped 19 October 2021;
Drawing no. GMM20 2 (Indicative Proposed Floorplan);
Drawing no. GMM20 3 (Indicative Proposed Elevations);
Drawing no. GMM20 5 (Indicative Proposed Site Plan);
Drawing no. GMM20 5a (Indicative Proposed Parking Plan); and
Drawing no. GM20 6 (Existing Buildings).

Dated: 4 March 2022

Civic Centre
Windmill Street
Gravesend
Kent
DA12 1AU



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**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.