

Application: 20211059

**TOWN AND COUNTRY PLANNING ACTS
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)
(ENGLAND) ORDER 2015 (AS AMENDED)**

DETERMINATION AS TO WHETHER PRIOR APPROVAL IS REQUIRED

To: **Mrs Laura Hicken, Hawkspare Ltd
C/O Mr Jack Harley, DHA Planning
Eclipse House
Sittingbourne Road
Maidstone
Kent
ME143EN**

TAKE NOTICE that **GRAVESHAM BOROUGH COUNCIL**, the Local Planning Authority under the Town and Country Planning Acts, has **DETERMINED THAT PRIOR APPROVAL** for the relevant matters for the development of land as described below **IS REQUIRED AND REFUSED**

at **Lomer Farm Estate
Wrotham Road
Meopham
Gravesend
Kent**

and being **Application for a determination as to whether prior approval is required for the proposed erection of a general purpose agricultural barn, 42.30 m length, 8.7 m height and 18.50m width (783m²) for the storage of straw, hay, equipment and machinery as well as creation of 205m² hardstanding.**

Your application dated 23rd August 2021 is refused on the following grounds:-

1. The proposed development would not meet the definition of development set out in Article 3, Part 6, Class A of Schedule 2 to the Town and Country (General Permitted Development) (England) Order 2015 (as amended) because it has not been proven that the building would be reasonably necessary for the purposes of agriculture within the agricultural unit at the application site and because the application site is not entirely comprised of land used for agricultural purposes.

The proposed development would be contrary to sub-paragraph A.1(a) of Article 3, Part 6, Class A of Schedule 2 to the Town and Country (General Permitted Development) (England) Order 2015 (as amended) because the building would be sited on a parcel of land forming part of the agricultural unit which is less than one hectare in area.

As such, the proposal would not be permitted development and planning permission would be required. Furthermore an application for prior approval cannot be legitimately made.

Notwithstanding the above, if it were accepted that the proposed development would meet the definition and limitations for development set out in Article 3, Part 6, Class A of Schedule 2 to the Town and Country (General Permitted Development) (England) Order 2015 (as amended), it is considered that prior approval would be required for the siting, design and external appearance of the proposed agricultural building because it would be located in a very sensitive location (within the Green Belt, the Meopham Downs Landscape Character Area and Groundwater Source Protection Zone 3).

On the basis of the information submitted, prior approval would be refused for the siting, design and external appearance of the proposed agricultural building. This is because the applicant has not justified the need for the proposed building in this location and because the proposed design would be inappropriate. As such, it is considered that the proposed development would be harmful to the openness and natural character of the surrounding Green Belt and Meopham Downs Landscape Character Area and contrary to Policies CS02 and CS12 of the Gravesham Local Plan Core Strategy September 2014 and Paragraph 174 of the National Planning Policy Framework (2021). Furthermore the proposed development would have the potential to be detrimental to highway safety, biodiversity and groundwater and would be contrary to Policies CS11, CS12, CS18 and CS19 of the Gravesham Local Plan Core Strategy (September 2014).

INFORMATIVES:-

1 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 for prior approval for proposed building for agricultural use;
Red/blue line site boundary plan (1:7500);
Drawing no. H-06 Rev. P5 Proposed site plan;
Drawing no. H-07 Rev. P6 Proposed layout and roof plan;
Drawing no. 15558-H-08 Rev. P6 Proposed elevations;
Letter dated 20 August 2021 from DHA Planning; and
2 emails dated 31 August 2021 from DHA Planning.

2 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 way and, where appropriate, has worked pro-actively 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.

However, in this instance the application would not be in line with the requirements of Article 3, Part 6, Class A of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and has the potential to cause harm to this sensitive location within the Green Belt; to the landscape character of the Meopham Downs Landscape Character Area; and to highway safety biodiversity and groundwater.

Dated: 17 September 2021

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.
- **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.