



Application: 20230899

**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: **Mr Sengupta, The Cantina Group Ltd
C/O Mr Dan McEwan, Fluid Planning Ltd
PO Box 1014
Horsham
RH12 9TJ**

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 **Land To East And West Of
Gold Street
Cobham
Gravesend
Kent
DA12 3AA**

and being **Application for a determination as to whether prior approval is required for the erection of 1 no. agricultural storage building.**

Your application dated 24th August 2023 is refused on the following grounds:-

1. Notwithstanding that the proposed development would 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) and the building is considered reasonably necessary for the purposes of agriculture, it is considered that prior approval would be required for the siting and external appearance of the proposed agricultural building because it would be located in a very sensitive location within the Kent Downs Area of Outstanding Natural Beauty, the Green Belt and the Istead Arable Farmlands Landscape Character Area.

On the basis of the information submitted, prior approval is refused for the siting and external appearance of the proposed agricultural building. This is because the proposed siting and appearance would be inappropriate and harmful to the landscape. As such, it is considered that the proposed development would be harmful to the openness and natural character of the surrounding Kent Downs Area of Outstanding Natural Beauty, the Green Belt and Istead Arable Landscape Character Area and contrary to Policies CS02 and CS12 of the Gravesham Local Plan Core Strategy (2014) and Paragraph 174 of the National Planning Policy Framework (2023).

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 - dated 23/08/2023;
Planning Statement by Fluid Planning (ref. 0431);
Drawing no. fp0431.1 - Location Plan (scale - 1:1250);
Drawing no. fp0431.2 - Proposed Block Plan (scale - 1:500);
Drawing no. fp0431.3 - Proposed Plans and Elevations.

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) 2023, 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 has the potential to cause harm to this sensitive location within the Kent Downs AONB and Green Belt; as well as to the landscape character of the Istead Arable Landscape Character Area.

Dated: 20 September 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.
- 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.