

Application: 20221042

**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 Aman Sandhu
C/O Mr Syed Waseem, Civils Consulting Ltd
35c Northbrook Road
Ilford
London
IG1 3BP**

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:

**Gailes
Dillywood Lane
Higham
Rochester
Kent
ME3 7NT**

and being **Erection of detached garage to front of property**

Your application dated 27th September 2022 is refused on the following grounds:-

1. The proposed garage by virtue of its siting, scale, bulk and massing would be a disproportionate addition to the original dwelling, which would harm the openness of the Green Belt. In the absence of any very special circumstances that clearly outweigh this harm, the proposal would be contrary to Policy CS02 of the Gravesham Local Plan Core Strategy (September 2014), Saved Policy C13 of the Gravesham Local Plan First Review (November 1994) and Paragraph 149 of the National Planning Policy Framework (2021).
2. The proposed development would result in an increase in the amount of built development at the application site and would introduce new built form into an area of the site which is currently open; it would also be a visually prominent building visible from outside the application site. As such, the proposed development would be detrimental to the open, rural landscape character of the surrounding area and be contrary to Policies CS12 and CS19 of the Gravesham Local Plan Core Strategy (September 2014) and paragraphs 130 and 174 of the National Planning Policy Framework (2021).
3. The proposed garage is undersized internally and does not meet the minimum standards as set out in SPG4: Kent Vehicle Parking Standards (2006). As such it is considered the proposal would be contrary to Policy CS11 of the Gravesham Local Plan Core Strategy (September 2014) and saved Policy P3 of the Gravesham Local Plan First Review (November 1994).

INFORMATIVES:-

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

- o Application form;
- o Drawing no. D01 - Existing Ground Floor Plan;
- o Drawing no. D02 - Existing First Floor Plan;
- o Drawing no. D03 - Proposed Ground Floor Plan;
- o Drawing no. D04 - Proposed First Floor Plan;
- o Drawing no. D05 - Existing Roof Plan;
- o Drawing no. D06 - Proposed Roof Plan;
- o Drawing no. D07 - Existing Elevations;
- o Drawing no. D08 - Proposed Elevations;
- o Drawing no. D09 - Proposed Elevations;
- o Drawing no. D10 - Block Plan; and
- o Drawing no. D11 - Site Location.

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: 22 November 2022

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.