

Application: 20230088

**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 Thomas Draper
C/O Mr James Barron, Barron Edwards Ltd
Barron Edwards, Whitehall Place
47 The Terrace
Gravesend
DA12 2DL**

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:

**Accommodate UK Ltd
163 Windmill Street
Gravesend
Kent
DA12 1AH**

and being **Retrospective application for continued use of first floor as a self-contained office and 2nd & 3rd floors as a self-contained 1 bedroom flat; and retention of a new shop front.**

Your application dated 1st March 2023 is refused on the following grounds:-

1. The replacement shopfront fails to preserve or enhance the character and appearance of the King Street Conservation Area, and has a harmful impact on its historic character by virtue of its modern deep fascia, aluminium material and large glazing panels. The proposal does not therefore meet the statutory test of Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and is contrary to Policies CS19 and CS20 of Gravesham's Local Plan Core Strategy (2014), saved policy TC3 of the Gravesham Local Plan First Review (1994) as well as Sections 12 and 16 of the National Planning Policy Framework (2021).
2. The new flat unit on the upper floors of the building is undersized and would provide a cramped, poor quality living environment for future occupiers, contrary to the Nationally Described Space Standards (2015) and Gravesham's Residential Layout Guidelines (2020). The proposal is also considered to provide a lack of refuse storage facilities for future occupiers. Therefore, the development fails to safeguard future occupier amenity contrary to Policy CS19 of Gravesham's Local Plan Core Strategy (2014), Section 12 of the National Planning Policy Framework (2021).
3. The proposal fails to safeguard biodiversity and fails to secure a contribution towards strategic mitigation measures within Special Protection Areas, and in the absence of this contribution or adequate information to inform an Appropriate Assessment. Therefore, the development fails to comply with the requirements of the Habitat Regulations and fails to offset biodiversity loss contrary to Section 15 (specifically paragraphs 180 and

INFORMATIVES:-

1 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 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 31/01/2023;
Heritage Statement - received 01/03/2023;
Drawing no. 001 - Site Location and Block Plans (dated 04/02/2022);
Drawing no. 002 - Rev. B - Pre-Existing Floor Plans (dated 27/02/2023);
Drawing no. 002 - Rev. B - Existing As Built Floor Plans (dated 27/02/2023);
Drawing no. 003 - Rev. A - Pre-Existing and Existing As Built Elevations (dated 01/03/2023);
Drawing no. P10 - Rev. B - Existing Plans and Elevations.

Dated: 26 April 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.
- **For further information regarding Appeals and to make an application please click the relevant link:**
<https://www.gov.uk/appeal-householder-planning-decision>
<https://www.gov.uk/appeal-planning-decision>
- 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.