

Application: 20221258

**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
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To: **Mr Paul Rutherford
C/O Mr Jeff Haskins, Haskins Design Ltd
Civic Centre
St Mary's Road
Swanley, Kent
BR8 7BU**

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:

**Rutherford Stables
Hermitage Road
Higham
Rochester
Kent**

and being **Conversion of the Livery Stable and tack rooms into 2 x four bedroom residential dwellings with associated car parking and bin storage facilities.**

Your application dated 28th November 2022 is refused on the following grounds:-

1. The proposal will result in the inevitable domestication of the site due to the amount of planting, landscaping, boundary treatment, fenestration and lighting related to the proposed residential use, which would detract from the visual quality of the area and significantly harm the character and appearance of the site and surrounding area including the Higham Arable Farmlands Landscape Character Area. This would fail to conserve and enhance the local natural environment and landscape character and conflict with the requirements of Policies CS12 and CS19 of the Gravesham Local Plan Core Strategy 2014 and paragraphs 130 and 174 of the National Planning Policy Framework 2021.
2. The proposal will result in an unacceptable and cramped amenity space for future occupiers and would therefore fail to provide a high standard of amenity for future users, which would conflict with the requirements of the SPG2 Residential Layout Guidelines (2020), Policy CS19 of the Gravesham Local Plan Core Strategy 2014 and paragraph 130 of the National Planning Policy Framework 2021.
3. The proposal fails to secure a contribution towards strategic mitigation measures within the Thames Estuary and Marshes SPA/Ramsar Sites to resolve disturbance issues to wintering birds, and in the absence of this contribution or any evidence to inform an appropriate assessment, the development fails to comply with the requirements of the Habitat Regulations and paragraphs 174 and 180 of the National Planning Policy Framework 2021 and Policy CS12 of the Gravesham Local Plan Core Strategy 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 particulars:

Application form

Drawing no. 191-EX-00 (Existing Site Plan and Location Plan)

Drawing no. 191-EX-01 (Existing Plans and Elevations)

Drawing no. 191-PD-01 Rev. A (Proposed Plans and Elevations)

Drawing no. 191-PD-00 (Proposed Site Plan)

Intermediate Structural Planning Survey by Freeman Design & Surveying Consultancy Ltd

Preliminary Ecological Appraisal (ref. 2022/03/27 dated 18 April 2022)

Design and Access Statement

Daylight Report

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.

In this instance the application is not in accordance with local and national planning policy and cannot be supported.

Dated: 23 January 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.