

Application: 20230243

**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 Matthews
C/O Mr Nicholas Appleby, Appleby Architects
Elsewhere
Crowborough
TN6 3HF**

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:

**49 Gouge Avenue
Northfleet
Gravesend
Kent
DA11 8DP**

and being **Demolition of an existing single storey garage outbuilding and erection of a single storey annexe outbuilding for residential accommodation ancillary to the main house alongside associated landscaping.**

Your application dated 14th March 2023 is refused on the following grounds:-

1. The proposed annexe has no relationship with the main dwelling by virtue of distance and orientation which represents clear physical and spatial separation between the two buildings and can be accessed by a separate rear gate with excessive facilities for an ancillary annexe. Therefore, the annexe could become a separate planning unit which would conflict with Policy CS02 of Gravesham's Local Plan Core Strategy (2014) and paragraphs 149 and 150 of the National Planning Policy Framework (2021).
2. The proposed annexe, considered to be or likely become a separate planning unit, would by virtue of its siting, size and massing be out of keeping with the surrounding garage outbuildings and pattern of dwellings in the surrounding area. As such, the proposal is contrary to Policies CS15 and CS19 of the Gravesham Local Plan Core Strategy (2014) and Section 12 of the National Planning Policy Framework (2021) which seeks to ensure that new development is, amongst other things, locally distinctive and reinforces the local character of the area.
3. The proposed annexe would provide extremely poor living conditions to the future occupiers of the dwelling and would cause material harm to their amenity by virtue of its location on an unsafe and unlit back-land plot. As such, the proposal is contrary to Policy CS19 of the Gravesham Local Plan Core Strategy (2014) as well as Designing Out Crime and Secured by Design principles.

4. The proposal 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, the development fails to comply with the requirements of the Habitat Regulations and Section 14 (specifically paragraphs 170, 175, 176 and 177) of the National Planning Policy Framework (2021) and Policy CS12 of the Gravesham Local Plan Core Strategy (2014).

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 10/03/2023;

Covering Letter - dated 08/03/2023;

Drawing no. 21307 - 100 - P1 - Block Plan and Roof Plan as Existing and Proposed;

Drawing no. 21307 - 101 - P1 - Floor Plan and Building Section, with 3D Views as Proposed;

Drawing no. 21307 - 102 - P1 - Building Elevations as Existing and Proposed.

Dated: 9 May 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.