



**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: **Ambareen Estates Ltd
C/O Mr Baldeep Sahota, BLA
104 Beaumont Drive
Northfleet
Gravesend
Kent
DA11 9NW**

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:

**99 Old Road East
Gravesend
Kent
DA12 1NX**

and being **creation of a new vehicular access.**

Your application dated 22nd November 2021 is refused on the following grounds:-

1. The existing works to the front garden, together with the proposed hardstanding has and would further result in a hardening of the streetscene, detrimental to the visual amenity of the application property, streetscene and character of the area as a whole. The development would therefore be contrary to Policy CS19 (Development and Design Principles) of Gravesham's Local Plan Core Strategy (LPCS) (2014) and Section 12 (Achieving well-designed places) of the National Planning Policy Framework (NPPF) (2021).
2. The existing and proposed works have and would result in the removal of a substantial amount of soft landscaping of the front and therefore has resulted in a loss of biodiversity. The proposal would therefore be contrary to Policy CS12 (Green Infrastructure) of Gravesham's Local Plan Core Strategy (LPCS) (2014) and Section 15 (Conserving and enhancing the natural environment) of the National Planning Policy Framework (NPPF) (2021).
3. The front garden area of No. 99 Old Road East, Gravesend is unable to provide an acceptable turning area in accordance with the Council's adopted criteria and technical requirements to enable a vehicle to enter and leave in a forward direction. The development without adequate turning facilities within the site would result in vehicles reversing into and out of the site potentially requiring vehicles to stop in the highway to the detriment of the free flow of traffic. The busy nature of the highway and with the suggested access being close to the entrance to a public footpath also increases the hazards of such an access. As such this would be to the detriment of highway and pedestrian safety and the free flow of traffic on this busy classified 'B' class road,

contrary to Policy CS11 of the Gravesham Local Plan Core Strategy (2014), saved Policy T5 of the Gravesham Local Plan First Review (1994), paragraph 130 of the National Planning Policy Framework (2021) and the Council's Planning Guidance Note 6: Planning Policy for Vehicular Accesses to Classified Highways (2009) adopted as supplementary planning guidance.

INFORMATIVES:-

1 DRAWINGS AND DOCUMENTS

For the avoidance of doubt, the decision to refuse this application was taken in relation to the following forms, plans and documents comprising the application:

Planning Application Form received 4th November 2021;
Covering Letter received 9th December 2021;
Drawing No. 21/03/01 - Existing Block Plan, Site Location Plan and Elevations received 11th November 2021;
Drawing No. 21/03/02 - Site Location Plan received 11th November 2021;
Drawing No. 21/03/03 - Proposed Block Plan and Elevations received 11th November 2021;
Drawing No. 21/03/04 - Existing and Proposed Parking Layout received 22nd November 2021;
Photograph received 4th November 2021; and
Photograph received 13th October 2021.

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 contrary to local and national planning policy and the planning objections could not be overcome by amendments to the scheme or through the imposition of acceptable and appropriate planning conditions.

Dated: 13 January 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.

COMPENSATION

In certain circumstances compensation may be claimed from the Local Planning Authority if permission is refused or granted subject to conditions by the Secretary of State on appeal or on reference of the application to him.

These circumstances are set out in Sections 114 and related provisions of the Town and Country Planning Act 1990.

