



Application: 20231010

**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: **Punch Partnerships (PML) Limited
C/O Miss Jenna Lai, CPC Planning Consultants
Units 5, Clovelly Business Park,
Clovelly Road,
Southbourne
PO10 8PE**

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:

**Sir John Falstaff
Gravesend Road
Higham
Rochester
Kent
ME3 7NZ**

and being **Erection of a four bed dwelling house on the land to the rear of Sir John Falstaff Public House with associated car parking and landscaping, including reconfiguration of the public house car park and beer garden.**

Your application dated 15th November 2023 is refused on the following grounds:-

1. The proposed development would cause harm to the setting and significance of the Grade II Listed Sir John Falstaff, a designated heritage asset, and is of unacceptable design. As such the proposal is contrary to Policies CS19 and CS20 of the Gravesham Local Plan Core Strategy (2014), saved Policy TC2 of the Gravesham Local Plan First Review (1994) and section 16 of the National Planning Policy Framework (2023).
2. The proposal would result in an increase in the built form on the site from the proposed dwelling and also an increase in hardstanding on the site due to the proposed car park extension. As such the proposal would consolidate and extend the level of development on the plot thereby having an adverse impact on the landscape character. As such, the proposal is contrary to Policy CS12 of the Gravesham Local Plan Core Strategy (2014) and section 15 of the National Planning Policy Framework (2023).
3. The proposed development by virtue of its siting, design and proximity to neighbouring dwellings and a public house would result in future occupiers of the proposed dwelling being overlooked and experiencing noise and disturbance which would be harmful to their privacy and amenity. As such the proposal is contrary to Policy CS19 of the Gravesham Local Plan Core Strategy (2014) and paragraph 135 (f) of the National Planning Policy Framework (2023).
4. The proposed development by virtue of its siting and proximity to the neighbouring dwelling, no. 61 Forge Lane would result in occupiers of that dwelling being overlooked. experiencing increased noise and disturbance due to the proximity of the car park

extension to that property and would generally be an overbearing and unneighbourly form of development harmful to their amenity and privacy. As such the proposal is contrary to Policy CS19 of the Gravesham Local Plan Core Strategy (2014) and paragraph 135 (f) of the National Planning Policy Framework (2023).

5. Insufficient and contradictory information has been submitted with regards the impact of the development on trees within and in close proximity to the site and insufficient information has been submitted regarding the ecological impact of the proposal. As such, the proposal is contrary to Policy CS12 of the Gravesham Local Plan Core Strategy (2014) and sections 12 & 15 of the National Planning Policy Framework (2023).
6. The applicant has failed to provide any ecological evidence to inform a habitat regulations assessment covering the impact of the development on the SPA/Ramsar site or offered a financial contribution towards mitigation measures to address the impact of the development on the SPA/Ramsar site. The proposal is therefore contrary to Policy CS12 of the Gravesham Local Plan Core Strategy (2014) and paragraphs 180 and 181 of the National Planning Policy Framework (2023) which seeks to ensure that detrimental effects on the integrity of SPA/Ramsar sites are avoided.

INFORMATIVES:-

1 DECISION PLANS

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

- o Covering Letter;
- o Application form;
- o Drawing no. 23.3459.000 Rev. P2 - Location Plan;
- o Drawing no. 23.3459.001 Rev. P2 - Existing Site Plan;
- o Drawing no. 23.3459.002 Rev. P1 - Existing PH Plans & Elevations;
- o Drawing no. 23.3459.100 Rev. P5 - Proposed Site Plan;
- o Drawing no. 23.3459.101 Rev. P4 - Proposed Plans, Elevations & Street Scene;
- o Design & Access Statement;
- o Biodiversity Metric Calculation;
- o Biodiversity Metric 4.0 Calculation Tool;
- o Transport Statement;
- o Arboricultural Implications Assessment;
- o Arboricultural Method Statement
- o Planning Statement;
- o Heritage Statement; and
- o CIL Form.

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) 2023, 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: 8 January 2024

Civic Centre
Windmill Street
Gravesend
Kent
DA12 1AU

Shazad Ghani
MPhil, MA, BA (Hons)
Head of 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.