

Application: 20230991

**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 F And M Dunphy, Stokes, Buckland And Townsley
C/O Tony White, White Planning
Wey Bank
Alton Road
Farnham
GU10 5EL**

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:

**Land At
Heron Hill Lane
Meopham
Gravesend
Kent**

and being **Application for variation of conditions 2 and 3 attached to planning permission reference number 20180163 allowed on Appeal under reference number APP/K2230/W/19/3223958 for an application for a material change of use of land to a Gypsy Traveller site with 5 pitches each with space for stationing of a static caravan, touring caravan and utility block, with associated hard standing, gabion retaining wall and shared package sewage treatment plant; to allow a replacement of the approved layout plan to drawing no. GP01/23 Rev B.**

Your application dated 7th November 2023 is refused on the following grounds:-

1. The proposal seeks to vary planning Conditions 2 and 3 of planning permission 20180163, allowed under appeal (Appeal Decision APP/K2230/W/19/3223958), to allow for a change in the site layout, however only revised plans have been submitted and it is considered that a full assessment of the amendments, including a revised ecological appraisal to be submitted in support of the application, to assess the full impact.

It is therefore considered that the proposed variations seek to amend the site boundary, together with a revised site layout that is so inherently different from the approved, that this would need to be assessed fully through a full application, whereby the impact of the changes can be fully assessed, due to the sensitive nature of the site and surrounding ancient woodland.

As a result this proposal goes beyond the scope of Section 73 of the Town and Country Planning Act 1990 and is contrary to guidance within the National Planning Practice Guidance, specifically paragraph 001 Reference ID: 17a-001-20140306.

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 documents:

Planning Application Form;

Site Location Plan;

Drawing No. GP/01/23 Rev C - Proposed Block Plan

Drawing No. GP/02/23 Rev A - Cross Sections AA and BB; and

Drawing No. GP/03/23 Rev A - Cross Sections CC and DD.

2 STATEMENT OF POSITIVE AND PROACTIVE APPROACH TO DECISION-TAKING

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 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 varied planning conditions.

Dated: 22 December 2023

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.