



Application: 20221019

**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: **Mrs Tracy Batchelor
C/O Miss Katie Parrett, Rubicon Chartered Building Consultancy
Hogs Green
Sandling Road
Hythe
CT21 4HG**

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:

**1 The Yews
Gravesend
Kent
DA12 1PA**

and being **Formation of vehicular access and dropped kerb to the rear and erection of detached double garage in the rear garden.**

Your application dated 25th October 2022 is refused on the following grounds:-

1. The proposed development, by reason of its design and appearance and due to the removal of a significant area of existing mature vegetation, would be out of character with the existing building at the application site and would be detrimental to the visual amenities of the surrounding street scene, particularly onto The Turnstones. As such, the proposal would be contrary to Policy CS19 of the Gravesham Local Plan Core Strategy 2014, to the Householder Extensions/Alterations Design Guide (2021) and to paragraph 130 of the National Planning Policy Framework (2021).
2. The proposed development would make insufficient provision for safe access to, and egress from, the proposed garage leading to vehicles overhanging the public highway, drivers having poor visibility and presenting dangers to passing pedestrians (including school children). As such, the proposal would be detrimental to highway safety and contrary to Policy CS11 of the Gravesham Local Plan Core Strategy 2014, to Saved Policy T5 of the Gravesham Local Plan First Review (1994) and to the KCC Residential Dropped Kerb Guidance and Self-Assessment September 2022.
3. A second vehicle access and parking area at the application site has not been adequately justified in highway safety or sustainability terms and as such, the proposed development would be contrary to Policy CS11 of the Gravesham Local Plan Core Strategy 2014 and to Saved Policy T5 of the Gravesham Local Plan First Review (1994).
4. Given the proposed removal of an existing hedge and vegetated land, the proposal has the potential to adversely impact on any species and habitats that they support. In the absence of any ecological assessment, it is not possible to determine whether the

proposal would protect the biodiversity value of these areas. As such, the proposal is contrary to Policy CS12 of the Gravesham Local Plan Core Strategy 2014 and to paragraph 174 of the National Planning Policy Framework (2021).

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:

Householder Planning Application form;
Drawing no. 22031.01B Existing block plan and location plan;
Drawing no. 22031.03B Proposed block plan;
Drawing no. 22031.05B Proposed layout and elevations;
Confidential Planning Statement;
Photographs taken around the application site; and
Email from the applicant received 04 December 2022.

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) 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.

Dated: 16 December 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.