

Application: 20230020

**TOWN AND COUNTRY PLANNING ACTS
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)
(ENGLAND) ORDER 2015 (AS AMENDED)**

DETERMINATION AS TO WHETHER PRIOR APPROVAL IS REQUIRED

To: **Tom Gallivan
C/O Mr Tom Gallivan, DOT Surveying Ltd
14 Inverleith Place
Edinburgh
EH3 5PZ**

TAKE NOTICE that **GRAVESHAM BOROUGH COUNCIL**, the Local Planning Authority under the Town and Country Planning Acts, has **DETERMINED THAT PRIOR APPROVAL** of the details of the siting and appearance of telecommunications development **IS REQUIRED AND REFUSED**

at **Telecommunications Station
The Grove
Gravesend
Kent
DA12 1DX**

and being **Proposed 5G telecoms installation: H3G 20m street pole and additional equipment cabinets.**

Your application dated 10th January 2023 is refused on the following grounds:-

1. The application has not been accompanied by evidence required under paragraph 117 of the National Planning Policy Framework (2021). The application fails to demonstrate that nearby schools were consulted, nor does it provide the outcome of such consultation. It fails to provide evidence that the possibility of erecting antennas on an existing building, mast or other structures have been explored.

Without the appropriate notification to the relevant nearby schools and evidence of exploration of possibility of erecting antennas on existing buildings, masts or other structures the Local Planning Authority cannot grant approval under Schedule 2, to Part 16 Class A of the Town and Country Planning (General Permitted Development) Order 2015, as amended.

2. The proposed development, by virtue of its location, external appearance and proximity to a residential property would have a detrimental impact the character of the area and the visual amenity of the streetscene along with a detrimental impact on the surrounding residential dwellings in terms of the visual impact. The proposal would not therefore accord with Policy CS19 of the Gravesham Local Plan Core Strategy (September 2014), or Section 12 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:

Application Form;
001 Drawing Register;
002 Site Location Plan;
215 Proposed Site Plan;
265 Proposed Site Elevation;
Mobile UK Briefing Note: 5G and Health;
Cover Letter;
Government Statement: Collaborating for Digital Connectivity;
5G Site Specific Supplementary Information and Planning Justification Statement Prepared by Dot Surveying;
Declaration of Conformity.

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 manner. In this instance the development has already been undertaken and is considered to fail to comply with the both National and Local Planning Policy and has been determined accordingly.

Dated: 21 February 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.
- 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.