



Application: 20231191

**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: **MBNL, EE Ltd & H3G (UK) Ltd
C/O Miss Helen Bolam, Beacon Comms
10 Sovereign Park
Cleveland Way
Hemel Hempstead
HP2 7DA**

TAKE NOTICE that **GRAVESHAM BOROUGH COUNCIL**, the Local Planning Authority under the Town and Country Planning Acts, has **DETERMINED THAT PRIOR APPROVAL** for the relevant matters for the development of land as described below **IS REQUIRED AND REFUSED**

at **Land At
Vale Road
Northfleet
Gravesend
Kent
DA11 8DD**

and being **Application for determination pursuant to Part 16 Class A of the Town and Country Planning (General Permitted Development) Order 2015, as amended, as to whether prior approval is required for proposed telecommunications Installation. Installation of a 20m monopole, 12 no. antenna apertures, 2no. 600mm transmission dishes, 6 no. equipment cabinets and development ancillary thereto.**

Your application dated 24th November 2023 is refused on the following grounds:-

1. The proposed development by virtue of its scale, appearance and location on an open and highly prominent site located at the top of a sloping grass verge adjacent to the highway and also immediately adjacent to the Northfleet Urban Country Park and opposite modest two storey terraced dwellings, would introduce an incongruous form of development which would have a detrimental impact the character of the area and the visual amenity of the streetscene along with a detrimental impact on the residential dwellings opposite in terms of the visual impact. The proposal would therefore not accord with Policy CS19 of the Gravesham Local Plan Core Strategy (2014) and Section 12 of the National Planning Policy Framework (2023).

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:

- o Covering Letter;

- o Application Form;
- o Site Location Plan;
- o Drawing no. 1707938_GVM091_30702_M001 Rev. A - 002 Site Location Plan;
- o Drawing no. 1707938_GVM091_30702_M001 Rev. A - 100 Existing Site Plan;
- o Drawing no. 1707938_GVM091_30702_M001 Rev. A - 150 Existing Elevation A;
- o Drawing no. 1707938_GVM091_30702_M001 Rev. A - 215 Proposed Site Plan;
- o Drawing no. 1707938_GVM091_30702_M001 Rev. A - 265 Proposed Elevation;
- o Information on 5G and Future Technology - Delivering the UK's Telecoms Future;
- o Developers Notice;
- o 'Council's and Connectivity - How Local government can help to build mobile Britain' document;
- o 'Connected Growth - A manual for places working to boost their digital, cultural and social connectivity;'
- o 'Collaborating for digital connectivity' by Department for Digital, Culture, Media and Sport and the Ministry of Housing, Communities and Local Government; and
- o '5G and Health: Questions and Answers by Mobile UK and Building Mobile Britain;
- o Copy of e-mail re: delivered developers notice
- o Supplementary Information form;
- o Highways Letter;
- o Highways Plan;
- o ICNIRP Certificate;
- o Developer Notice Letter.

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) 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 not in accordance with the Development Plan for the area and cannot be supported.

Dated: 17 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.

- 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.